

# MINUTES OF THE UTAH PRIVACY OVERSIGHT COMMISSION MEETING

Wednesday, August 14, 2024 ▪ 2:30 p.m.

Virtual Meeting ▪ Anchor Location: Room 220, East Building, Utah Capitol Complex

## **Participating Commission Members:**

Commissioner David N. Sonnenreich  
Commissioner Steve McCown  
Commissioner Josh Daniels

Commissioner J. Kent Millington  
Commissioner Jeremy Baker  
Commissioner Keith Squires

## **Excused Commission Members:**

Commissioner Jason Shelton

Commissioner Chris Koopman

## **Absent Commission Members:**

Commissioner Brandon Greenwood

## **Other Attendees:**

Tina Cannon, Deputy State Auditor  
Nora Kurzova, Assistant State Privacy Officer  
Mandy Teerlink, Office of the State Auditor  
Tauna MacPherson, Office of the State Auditor  
Christopher Bramwell, Chief Privacy Officer  
Micah Vorwaller, Government Operations  
Brian Nelson, Government Operations, Division of Technology Services  
Elliott Clark, Office of the Attorney General  
Lana Taylor, Office of the Attorney General  
Shelly Teuscher

Note: A copy of the meeting materials and an audio recording of the meeting may be found on the Public Meeting Notice website under the Utah Privacy Commission (listed as a public body under the State/State Auditor) on the June 20, 2024 meeting. These minutes may refer to the recording found on the Public Notice Website with the approximate number on the recording where an issue is being discussed.

## **1. Welcome**

Once a quorum was present, Chair Sonnenreich called the meeting to order at 2:50 p.m.

## **2. Approval of minutes of the June 20, 2024 meeting**

Chair Sonnenreich asked for a vote to approve the June 20, 2024 minutes.

**MOTION:** Commissioner McCown moved that the minutes of the June 20, 2024 meeting be approved. The motion passed unanimously, with Commissioner Millington being absent. [Please refer to 00:07:52 in the recording to hear the motion.]

## **3. Commission Member Changes**

Chair Sonnenreich announced that Commissioners Quinn Fowers and Philip Windley have resigned from the commission. Jeremy Baker has been selected by the State Auditor to replace Commissioner Windley. The Governor has not yet selected a replacement for Commissioner Fowers.

[Please refer to 00:00:35 to hear the discussion.]

New Commissioner Baker shared an overview of his background in cybersecurity and privacy.

[Please refer to 00:10:00 to hear the discussion.]

#### **4. Approve September Meeting Time Change**

Chair Sonnenreich announced changing the September meeting to 4–5:30pm from 2:30–4:30pm. The meeting time change is meant to accommodate the Cybersecurity Commission’s meeting that same day, which could affect discussions in the Utah Privacy Commission.

[Please refer to 00:01:10 to hear this discussion.]

#### **5. Statutory Mandate for Report to Legislative Interim Committee**

Chair Sonnenreich reminded the commission of the need to create a report for the Judiciary Interim Committee. He requested that the subcommittees each meet and put together summaries to submit to him by no later than September 3<sup>rd</sup> to include in the report.

[Please refer to 00:02:20 to hear the discussion.]

#### **6. Subcommittee Reports**

- A. Government Privacy Standards and Best Practices – Brandon Greenwood  
Commissioners Greenwood and Koopman were not present at the meeting, so no report was given on this subcommittee.
- B. Government Privacy Education and Training – Jason Shelton  
Commissioner Shelton was also not present, and unable to present on behalf of the subcommittee.
- C. Government Privacy and Civil Liberties – Josh Daniels  
Vice Chair Daniels stated that the subcommittee had met, but there was nothing to report yet.
- D. Government Privacy and Cybersecurity Legislation – David Sonnenreich  
Chair Sonnenreich gave an overview of potential cybersecurity changes coming soon.

[Please refer to 00:04:00 to hear this discussion.]

#### **7. New Subcommittee Discussion**

Chair Sonnenreich discussed the appropriateness of a new subcommittee that focuses on privacy impact assessments, to work in partnership with the Chief Privacy Officer. He opened the floor for a motion to create the subcommittee, but no one motioned to create the subcommittee and the proposal was tabled.

[Please refer to 00:15:20 to hear this discussion.]

Later in the meeting, Chief Privacy Officer Christopher Bramwell discussed the key role of privacy impact assessments in the Office of Data Privacy’s strategic plan. Chair Sonnenreich allowed for a motion to create the subcommittee.

**MOTION:** Commissioner Baker moved to create a Privacy Impact Assessment subcommittee. The motion passed unanimously. [Please refer to 01:08:45 in the recording to hear the motion.]

## **8. Definition of Public Key in HB 118, Utah Code 13-62-103**

Commissioner Sam Smith discussed the confusing language in Utah Code 13-62-103(1)(b) that makes enforcement and compliance difficult. It's not clear what the statute is intended to protect, nor how that procedure takes place. Commissioner Mike Smith raised some questions about how the new statute affects police investigations and procedures in that context. Commissioner Sonnenreich suggested that the Commission may want to include a recommendation in its upcoming report to the Judiciary Interim Committee that the Legislature revisit this code section to eliminate ambiguity, clarify intent, and make sure that the language achieves that intent.

[Please refer to 00:18:10 to hear this presentation and discussion.]

## **9. Report from Chief Privacy Officer**

Chief Privacy Officer Christopher Bramwell provided an update on various projects his team is working on:

- Utah Privacy Governing Board – Mr. Bramwell listed the members of the governing board, including the Senate and House designees. Their first meeting will take place August 29<sup>th</sup> at 10am.
- Establishing the Office of Data Privacy – Mr. Bramwell discussed the new office formation and reporting practices.
- Staffing – The Office of Data Privacy hired several new employees, including former Commissioner Denise Farnsworth. Additional personnel, including the Data Privacy Ombudsman, still need to be hired.
- Strategic Data Privacy Plan – The plan, required by new statute, is nearly finalized and will be presented to the Utah Privacy Governing Board at the Board's first meeting. UPC Commissioners are encouraged to provide input for the plan.
- Strategies – Current office strategies include program policies, training programs, impact assessments, record series management system RFIs, and a new website.
- Privacy Bootcamp – An intensive 5-day training for people from government agencies that will be specializing in privacy.

[Please refer to 00:51:20 to hear this presentation and discussion.]

## **10. Report from the Assistant State Privacy Officer**

Assistant State Privacy Officer Nora Kurzova discussed the current initiatives in place to train and assess the privacy practices of government entities. The primary focus of the State Privacy Office is to make sure that the various entities under its purview receive training. Training options include various one-hour workshops, and soon a Privacy Academy training spanning seven weeks, with about 90 minutes of training per week. Interest and participation in these efforts has been high, maxing out training event capacity.

[Please refer to 01:10:05 to hear this presentation and discussion.]

## **11. Other Business**

No other business was brought forward.

## **12. Adjourn**

Chair Sonnenreich called for a motion to adjourn the meeting.

**MOTION:** Commissioner Sam Smith moved to adjourn the meeting. The motion passed unanimously.