UTAH LEAGUE OF CITIES AND TOWNS

Data Privacy

Utah Privacy Commission Report

The Tug-of-War

Generated by AI

The Tug-of-War

US State Data Governance Law Graphs 2025

Utah office of Data Privacy

Fig. 2: Number of Practices Required by State

How many of the 29 practices are required by law or policy?

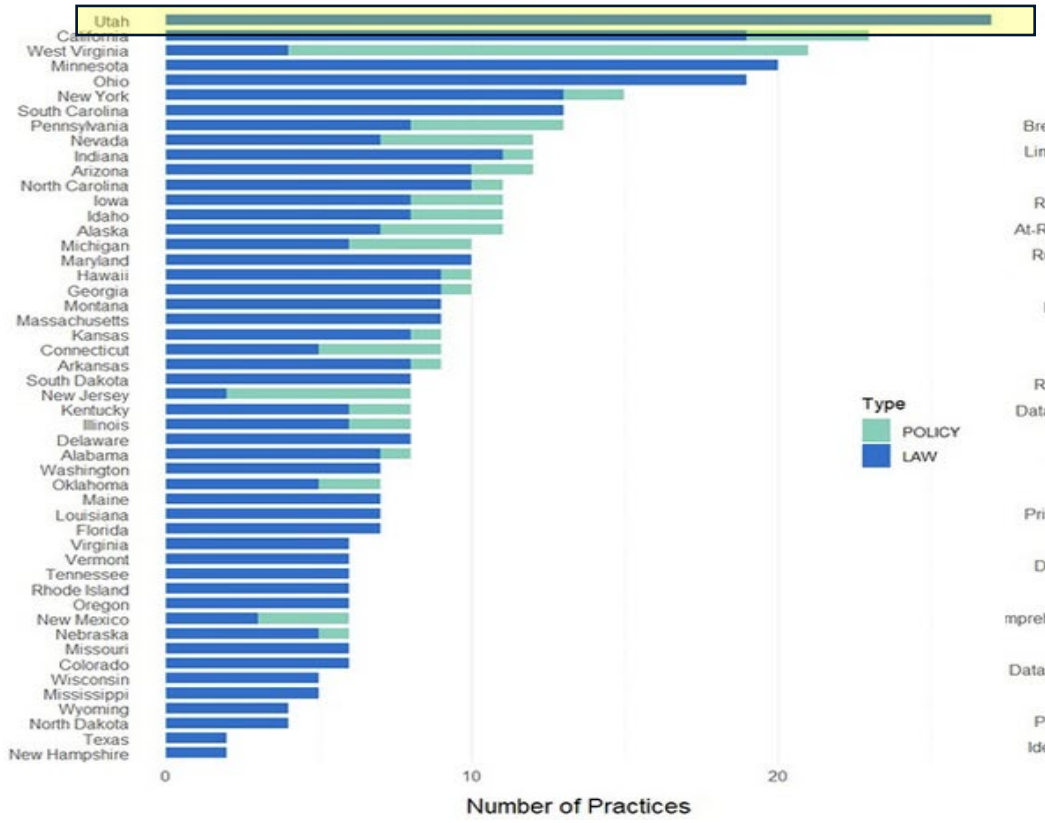
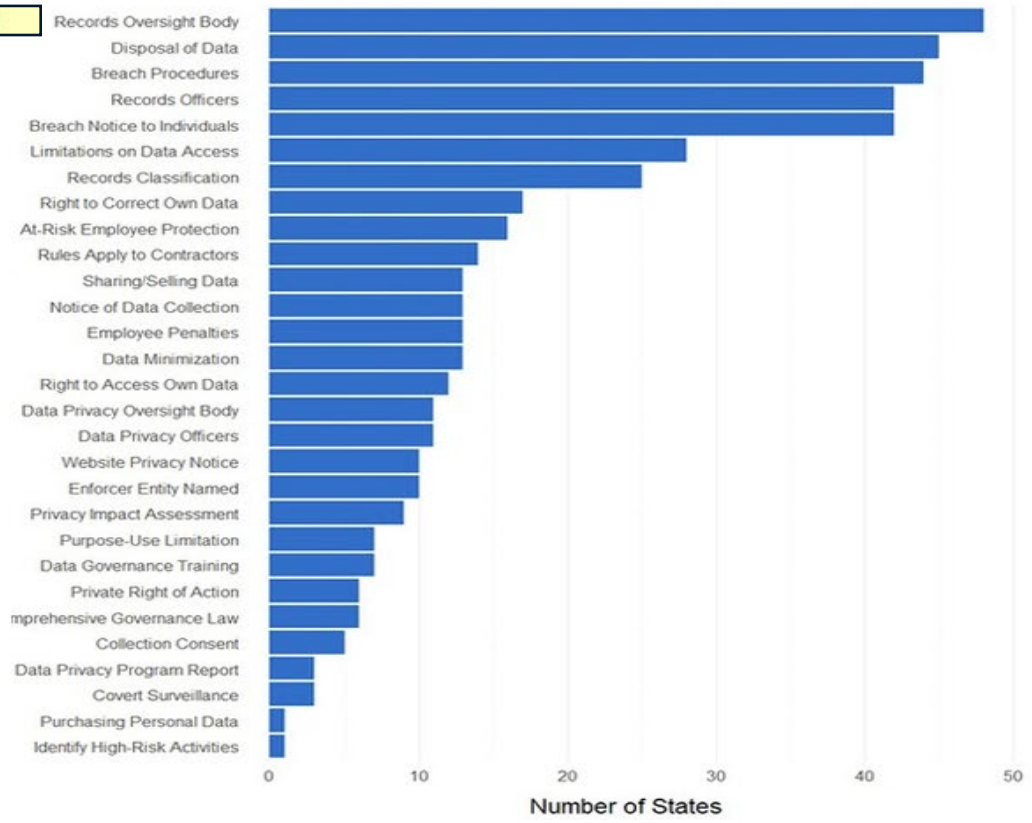


Fig. 3: Number of States per Practice

How many states require this?



Courtesy of Office of Data Privacy

The Tug-of-War

Public	**Private**	**Protected**	**Controlled**
Innumerable	~35 statutory ~8 designated	~92 if designated	1 qualified

Local Government Challenges

1) Privacy Policies/Reporting
2) Contractor Compliance
3) Training
4) Noticing
5) Data Privacy Complaints
6) Auditing of privacy practices

Privacy Policies/Reporting

1) Some definitions/provisions are unclear
   a) What does it mean to “share” personal data?
   b) When does a non-compliant processing activity become a “new processing activity” (e.g., changing a form from paper to pdf)
   c) What high risk activities are “permitted by law”?

2) Privacy report should not be used as a weapon but as a tool for improvement and privacy maturity (see State Framework 2.1)

Recommendation:
1) Clarify definitions that are either unclear or inconsistent with other provisions of State Code;
2) Keep the privacy report as protected document.

Contractor Compliance

1) Local governments do not have authority to force contractors to accept provisions that require them to comply with GDPA the same as governmental entities

2) A contractor that is a “sole source” – only one contractor that can meet the entity’s needs – has full power to negotiate the terms of the agreement.

3) State cooperative contracts are helpful, but may not be an all-encompassing solution

Recommendation: Push the date back to July 1, 2028 as we continue to work on the challenges.

Training Compliance

1) Training compliance has been made easy with Office of Data Privacy video

2) Most questions come in the form of “Is this employee subject to the training?” Access to “personal data” does not leave many (if any) out of that bucket.
   a) Maintenance workers?
   b) Sanitation staff?
   c) Recreation assistants?
   d) Janitorial staff?
   e) Fleet mechanics?

Recommendation: Reducing the training requirements to personal data that would not be public under GRAMA

Noticing

1) Differences between GRAMA and GDPA noticing (comparison on next slide)

Noticing

GRAMA

(2) A governmental entity shall provide the notice described in this Subsection (2) to a person that is asked to furnish information that could be classified as a private or controlled record.

(b) The notice required under Subsection (2)(a) shall:

i. identify the record series that includes the information described in Subsection (2)(a);

ii. state the reasons the person is asked to furnish the information;

iii. state the intended uses of the information;

iv. state the consequences for refusing to provide the information; and

v. disclose the classes of persons and the governmental entities that currently:

A. share the information with the governmental entity; or

B. receive the information from the governmental entity on a regular or contractual basis

GDPA

If the personal data collected by a governmental entity:

(a) would be classified as a public record under Section 63G-2-301, the privacy notice shall be limited to a statement indicating that the individual's personal data may be available to the public as provided by Section 63G-2-201; and

(b) would not be classified as a public record under Section 63G-2-301, the privacy notice shall describe:

i. all intended purposes and uses of the personal data;

ii. the consequences for refusing to provide the personal data;

iii. (iii) the classes of persons and governmental entities:

A. with whom the governmental entity shares personal data; or

B. to whom the governmental entity sells personal data; and

iv. the record series in which the personal data is included.

Noticing

2) Requirement of notice to be on forms or posting where the information is collected can be unwieldy (and really take away from the truly sensitive information)

a) Engineering/Planning
b) Public Works
c) Public Utilities
d) Finance
e) Administration
f) Code Enforcement
g) Police and Fire Departments
h) Victim Advocate
i) Justice Court
j) Code Enforcement
k) Legal Department
l) Clerk/Recorders
m) IT Department

Recommendation: Remove notice requirements if information the entity is collecting would clearly classified under GRAMA as public

State Privacy Program Framework

"The framework consists of privacy practices based on generally applicable legal requirements, a maturity model for measuring the maturity of practices to inform an entity's strategies to improve maturity, and a recommended approach of, "Ready, Set, Go!", that entities may adopt as a reasonable approach to initiate and prioritize privacy practice implementation.

This approach aligns with the December 31, 2025, requirement by providing a roadmap for entities to initiate, at a minimum, an incipient data privacy program. Over time, entities can increase the maturity of their data privacy program, while considering their available resources, the current maturity of their privacy practices, and their strategies for advancing operational complexity and effectiveness."

Data Privacy Complaints

1) Posting of opinions seems contrary to the Statewide Privacy Framework (at least at this point)

2) Privacy maturity is a process that will take place over a decade

Recommendation: Stop posting of opinions on ODP website (for now)

Auditing of Privacy Practices

1) Apparent inconsistency between the State Privacy Framework and the standards enforced by the Auditor's Office via email and "privacy health checks"

FW: Request to Comply with Utah Code Section 63A-19-402.5 Website Privacy Notice

Hi,

You are receiving this email because your entity is **not compliant** with Utah Code Section 63A-19-402.5 Website Privacy Notice. Please review the requirements outlined in this code and ensure your entity meets them by **Friday, November 28th.**

The State Privacy Auditor (SPA) and her team will review your website for compliance between December 1–December 19.

Starting next year, the SPA and her team will audit all governmental entities' website privacy notices for content compliance with Utah Code Section 63A-19-402.5.

If you have any questions regarding the code or its implementation, please contact the **Office of Data Privacy** at officeofdataprivacy@utah.gov.

Warm regards,
State Privacy Auditor's Team

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