

29 Section 1. Section **13-61-101** is amended to read:

30 **13-61-101 . Definitions.**

31 As used in this chapter:

- 32 (1) "Account" means the Consumer Privacy Restricted Account established in Section
33 13-61-403.
- 34 (2) "Affiliate" means an entity that:
35 (a) controls, is controlled by, or is under common control with another entity; or
36 (b) shares common branding with another entity.
- 37 (3) "Aggregated data" means information that relates to a group or category of consumers:
38 (a) from which individual consumer identities have been removed; and
39 (b) that is not linked or reasonably linkable to any consumer.
- 40 (4) "Air carrier" means the same as that term is defined in 49 U.S.C. Sec. 40102.
- 41 (5) "Authenticate" means to use reasonable means to determine that a consumer's request to
42 exercise the rights described in Section 13-61-201 is made by the consumer who is
43 entitled to exercise those rights.
- 44 (6)(a) "Biometric data" means data generated by automatic measurements of an
45 individual's unique biological characteristics.
- 46 (b) "Biometric data" includes data described in Subsection (6)(a) that are generated by
47 automatic measurements of an individual's fingerprint, voiceprint, eye retinas, irises,
48 or any other unique biological pattern or characteristic that is used to identify a
49 specific individual.
- 50 (c) "Biometric data" does not include:
51 (i) a physical or digital photograph;
52 (ii) a video or audio recording;
53 (iii) data generated from an item described in Subsection (6)(c)(i) or (ii);
54 (iv) information captured from a patient in a health care setting; or
55 (v) information collected, used, or stored for treatment, payment, or health care
56 operations as those terms are defined in 45 C.F.R. Parts 160, 162, and 164.
- 57 (7) "Business associate" means the same as that term is defined in 45 C.F.R. Sec. 160.103.
- 58 (8) "Child" means an individual younger than 13 years old.
- 59 (9) "Consent" means an affirmative act by a consumer that unambiguously indicates the
60 consumer's voluntary and informed agreement to allow a person to process personal data
61 related to the consumer.
- 62 (10)(a) "Consumer" means an individual who is a resident of the state acting in an

- 63 individual or household context.
- 64 (b) "Consumer" does not include an individual acting in an employment or commercial
65 context.
- 66 (11) "Control" or "controlled" as used in Subsection (2) means:
- 67 (a) ownership of, or the power to vote, more than 50% of the outstanding shares of any
68 class of voting securities of an entity;
- 69 (b) control in any manner over the election of a majority of the directors or of the
70 individuals exercising similar functions; or
- 71 (c) the power to exercise controlling influence of the management of an entity.
- 72 (12) "Controller" means a person doing business in the state who determines the purposes
73 for which and the means by which personal data are processed, regardless of whether the
74 person makes the determination alone or with others.
- 75 (13) "Covered entity" means the same as that term is defined in 45 C.F.R. Sec. 160.103.
- 76 (14)(a) "Deidentified data" means data that:
- 77 (i) cannot reasonably be linked to an identified individual or an identifiable
78 individual; and
- 79 (ii) are possessed by a controller who:
- 80 (A) takes reasonable measures to ensure that a person cannot associate the data
81 with an individual;
- 82 (B) publicly commits to maintain and use the data only in deidentified form and
83 not attempt to reidentify the data; and
- 84 (C) contractually obligates any recipients of the data to comply with the
85 requirements described in [~~Subsections (14)(b)(i) and (ii).~~] this Subsection
86 (14)(a).
- 87 (b) "Deidentified data" includes synthetic data.
- 88 (15) "Director" means the director of the Division of Consumer Protection.
- 89 (16) "Division" means the Division of Consumer Protection created in Section 13-2-1.
- 90 (17) "Governmental entity" means the same as that term is defined in Section 63G-2-103.
- 91 (18) "Health care facility" means the same as that term is defined in Section 26B-2-201.
- 92 (19) "Health care provider" means the same as that term is defined in Section 78B-3-403.
- 93 (20) "Identifiable individual" means an individual who can be readily identified, directly or
94 indirectly.
- 95 (21) "Institution of higher education" means a public or private institution of higher
96 education.

- 97 (22) "Local political subdivision" means the same as that term is defined in Section
98 11-14-102.
- 99 (23) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.
- 100 (24) "Motor vehicle manufacturer" means a person who manufactures or assembles motor
101 vehicles for sale or lease.
- 102 (25) "Nonprofit corporation" means:
103 (a) the same as that term is defined in Section 16-6a-102; or
104 (b) a foreign nonprofit corporation as defined in Section 16-6a-102.
- 105 [~~24~~] (26)(a) "Personal data" means information that is linked or reasonably linkable to
106 an identified individual or an identifiable individual.
107 (b) "Personal data" does not include deidentified data, aggregated data, or publicly
108 available information.
- 109 [~~25~~] (27) "Process" means an operation or set of operations performed on personal data,
110 including collection, use, storage, disclosure, analysis, deletion, or modification of
111 personal data.
- 112 [~~26~~] (28) "Processor" means a person who processes personal data on behalf of a
113 controller.
- 114 [~~27~~] (29) "Protected health information" means the same as that term is defined in 45
115 C.F.R. Sec. 160.103.
- 116 [~~28~~] (30) "Pseudonymous data" means personal data that cannot be attributed to a specific
117 individual without the use of additional information, if the additional information is:
118 (a) kept separate from the consumer's personal data; and
119 (b) subject to appropriate technical and organizational measures to ensure that the
120 personal data are not attributable to an identified individual or an identifiable
121 individual.
- 122 [~~29~~] (31) "Publicly available information" means information that a person:
123 (a) lawfully obtains from a record of a governmental entity;
124 (b) reasonably believes a consumer or widely distributed media has lawfully made
125 available to the general public; or
126 (c) if the consumer has not restricted the information to a specific audience, obtains from
127 a person to whom the consumer disclosed the information.
- 128 [~~30~~] (32) "Right" means a consumer right described in Section 13-61-201.
- 129 [~~31~~] (33)(a) "Sale," "sell," or "sold" means the exchange of personal data for monetary
130 consideration by a controller to a third party.

- 131 (b) "Sale," "sell," or "sold" does not include:
- 132 (i) a controller's disclosure of personal data to a processor who processes the personal
133 data on behalf of the controller;
- 134 (ii) a controller's disclosure of personal data to an affiliate of the controller;
- 135 (iii) considering the context in which the consumer provided the personal data to the
136 controller, a controller's disclosure of personal data to a third party if the purpose
137 is consistent with a consumer's reasonable expectations;
- 138 (iv) the disclosure or transfer of personal data when a consumer directs a controller to:
- 139 (A) disclose the personal data; or
- 140 (B) interact with one or more third parties;
- 141 (v) a consumer's disclosure of personal data to a third party for the purpose of
142 providing a product or service requested by the consumer or a parent or legal
143 guardian of a child;
- 144 (vi) the disclosure of information that the consumer:
- 145 (A) intentionally makes available to the general public via a channel of mass
146 media; and
- 147 (B) does not restrict to a specific audience; or
- 148 (vii) a controller's transfer of personal data to a third party as an asset that is part of a
149 proposed or actual merger, an acquisition, or a bankruptcy in which the third party
150 assumes control of all or part of the controller's assets.
- 151 ~~[(32)]~~ (34)(a) "Sensitive data" means:
- 152 (i) personal data that reveals:
- 153 (A) an individual's racial or ethnic origin;
- 154 (B) an individual's religious beliefs;
- 155 (C) an individual's sexual orientation;
- 156 (D) an individual's citizenship or immigration status; or
- 157 (E) information regarding an individual's medical history, mental or physical
158 health condition, or medical treatment or diagnosis by a health care
159 professional;
- 160 (ii) the processing of genetic personal data or biometric data, if the processing is for
161 the purpose of identifying a specific individual; or
- 162 (iii) specific geolocation data.
- 163 (b) "Sensitive data" does not include personal data that reveals an individual's:
- 164 (i) racial or ethnic origin, if the personal data are processed by a video

165 communication service; or
166 (ii) if the personal data are processed by a person licensed to provide health care
167 under Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection,
168 or Title 58, Occupations and Professions, information regarding an individual's
169 medical history, mental or physical health condition, or medical treatment or
170 diagnosis by a health care professional.

171 [~~(33)~~] (35)(a) "Specific geolocation data" means information derived from technology,
172 including global position system level latitude and longitude coordinates, that directly
173 identifies an individual's specific location, accurate within a radius of 1,750 feet or
174 less.

175 (b) "Specific geolocation data" does not include:

- 176 (i) the content of a communication; or
177 (ii) any data generated by or connected to advanced utility metering infrastructure
178 systems or equipment for use by a utility.

179 [~~(34)~~] (36) "Synthetic data" means data that has been generated by computer algorithms or
180 statistical models and does not contain personal data.

181 [~~(35)~~] (37)(a) "Targeted advertising" means displaying an advertisement to a consumer
182 where the advertisement is selected based on personal data obtained from the
183 consumer's activities over time and across nonaffiliated websites or online
184 applications to predict the consumer's preferences or interests.

185 (b) "Targeted advertising" does not include advertising:

- 186 (i) based on a consumer's activities within a controller's website or online application
187 or any affiliated website or online application;
188 (ii) based on the context of a consumer's current search query or visit to a website or
189 online application;
190 (iii) directed to a consumer in response to the consumer's request for information,
191 product, a service, or feedback; or
192 (iv) processing personal data solely to measure or report advertising:
193 (A) performance;
194 (B) reach; or
195 (C) frequency.

196 [~~(36)~~] (38) "Third party" means a person other than:

- 197 (a) the consumer, controller, or processor; or
198 (b) an affiliate or contractor of the controller or the processor.

199 [(37)] (39) "Trade secret" means information, including a formula, pattern, compilation,
 200 program, device, method, technique, or process, that:
 201 (a) derives independent economic value, actual or potential, from not being generally
 202 known to, and not being readily ascertainable by proper means by, other persons who
 203 can obtain economic value from the information's disclosure or use; and
 204 (b) is the subject of efforts that are reasonable under the circumstances to maintain the
 205 information's secrecy.

206 (40) "Vehicle data collection system" means a technology system or device installed in or
 207 on a motor vehicle that collects, transmits, or stores a consumer or occupant's personal
 208 data.

209 Section 2. Section **13-61-102** is amended to read:

210 **13-61-102 . Applicability.**

211 (1) This chapter applies to:

212 (a) any controller or processor who:

213 [(a)] (i)[(†)] (A) conducts business in the state; or

214 [(†)] (B) produces a product or service that is targeted to consumers who are
 215 residents of the state;

216 [(b)] (ii) has annual revenue of \$25,000,000 or more; and

217 [(e)] (iii) satisfies one or more of the following thresholds:

218 [(†)] (A) during a calendar year, controls or processes personal data of 100,000 or
 219 more consumers; or

220 [(†)] (B) derives over 50% of the entity's gross revenue from the sale of personal
 221 data and controls or processes personal data of 25,000 or more consumers[-] ; or

222 (b) a motor vehicle manufacturer who:

223 (i) manufactures motor vehicles that are sold or leased in the state; and

224 (ii) collects, transmits, or stores personal data through a vehicle data collection
 225 system.

226 (2) This chapter does not apply to:

227 (a) a governmental entity or a third party under contract with a governmental entity
 228 when the third party is acting on behalf of the governmental entity;

229 (b) a tribe;

230 (c) an institution of higher education;

231 (d) a nonprofit corporation;

232 (e) a covered entity;

- 233 (f) a business associate;
- 234 (g) information that meets the definition of:
- 235 (i) protected health information for purposes of the federal Health Insurance
236 Portability and Accountability Act of 1996, 42 U.S.C. Sec. 1320d et seq., and
237 related regulations;
- 238 (ii) patient identifying information for purposes of 42 C.F.R. Part 2;
- 239 (iii) identifiable private information for purposes of the Federal Policy for the
240 Protection of Human Subjects, 45 C.F.R. Part 46;
- 241 (iv) identifiable private information or personal data collected as part of human
242 subjects research pursuant to or under the same standards as:
- 243 (A) the good clinical practice guidelines issued by the International Council for
244 Harmonisation; or
- 245 (B) the Protection of Human Subjects under 21 C.F.R. Part 50 and Institutional
246 Review Boards under 21 C.F.R. Part 56;
- 247 (v) personal data used or shared in research conducted in accordance with one or
248 more of the requirements described in Subsection (2)(g)(iv);
- 249 (vi) information and documents created specifically for, and collected and maintained
250 by, a committee but not a board or council listed in Section 26B-1-204;
- 251 (vii) information and documents created for purposes of the federal Health Care
252 Quality Improvement Act of 1986, 42 U.S.C. Sec. 11101 et seq., and related
253 regulations;
- 254 (viii) patient safety work product for purposes of 42 C.F.R. Part 3; or
- 255 (ix) information that is:
- 256 (A) deidentified in accordance with the requirements for deidentification set forth
257 in 45 C.F.R. Part 164; and
- 258 (B) derived from any of the health care-related information listed in this
259 Subsection (2)(g);
- 260 (h) information originating from, and intermingled to be indistinguishable with,
261 information under Subsection (2)(g) that is maintained by:
- 262 (i) a health care facility or health care provider; or
- 263 (ii) a program or a qualified service organization as defined in 42 C.F.R. Sec. 2.11;
- 264 (i) information used only for public health activities and purposes as described in 45
265 C.F.R. Sec. 164.512;
- 266 (j)(i) an activity by:

- 267 (A) a consumer reporting agency, as defined in 15 U.S.C. Sec. 1681a;
268 (B) a furnisher of information, as set forth in 15 U.S.C. Sec. 1681s-2, who
269 provides information for use in a consumer report, as defined in 15 U.S.C. Sec.
270 1681a; or
271 (C) a user of a consumer report, as set forth in 15 U.S.C. Sec. 1681b;
- 272 (ii) subject to regulation under the federal Fair Credit Reporting Act, 15 U.S.C. Sec.
273 1681 et seq.; and
274 (iii) involving the collection, maintenance, disclosure, sale, communication, or use of
275 any personal data bearing on a consumer's:
- 276 (A) credit worthiness;
277 (B) credit standing;
278 (C) credit capacity;
279 (D) character;
280 (E) general reputation;
281 (F) personal characteristics; or
282 (G) mode of living;
- 283 (k) a financial institution or an affiliate of a financial institution governed by, or personal
284 data collected, processed, sold, or disclosed in accordance with, Title V of the
285 Gramm-Leach-Bliley Act, 15 U.S.C. Sec. 6801 et seq., and related regulations;
- 286 (l) personal data collected, processed, sold, or disclosed in accordance with the federal
287 Driver's Privacy Protection Act of 1994, 18 U.S.C. Sec. 2721 et seq.;
- 288 (m) personal data regulated by the federal Family Education Rights and Privacy Act, 20
289 U.S.C. Sec. 1232g, and related regulations;
- 290 (n) personal data collected, processed, sold, or disclosed in accordance with the federal
291 Farm Credit Act of 1971, 12 U.S.C. Sec. 2001 et seq.;
- 292 (o) data that are processed or maintained:
- 293 (i) in the course of an individual applying to, being employed by, or acting as an
294 agent or independent contractor of a controller, processor, or third party, to the
295 extent the collection and use of the data are related to the individual's role;
- 296 (ii) as the emergency contact information of an individual described in Subsection
297 (2)(o)(i) and used for emergency contact purposes; or
298 (iii) to administer benefits for another individual relating to an individual described in
299 Subsection (2)(o)(i) and used for the purpose of administering the benefits;
- 300 (p) an individual's processing of personal data for purely personal or household

301 purposes; or

302 (q) an air carrier.

303 (3) A controller is in compliance with any obligation to obtain parental consent under this
304 chapter if the controller complies with the verifiable parental consent mechanisms under
305 the Children's Online Privacy Protection Act, 15 U.S.C. Sec. 6501 et seq., and the act's
306 implementing regulations and exemptions.

307 (4) This chapter does not require a person to take any action in conflict with the federal
308 Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. Sec. 1320d et
309 seq., or related regulations.

310 Section 3. Section **13-61-501** is enacted to read:

311 **Part 5. Motor Vehicle Data Privacy**

312 **13-61-501 . Definitions.**

313 As used in this part:

314 (1) "Connected device" means a consumer's mobile phone, tablet, or similar personal
315 electronic device that connects to a motor vehicle through the in-vehicle interface for
316 purposes of accessing the device's applications, contacts, or other data through the
317 vehicle's display.

318 (2) "In-vehicle interface" means a display screen, control panel, or other interactive system
319 in a motor vehicle through which an individual may access or control motor vehicle
320 functions or settings.

321 (3) "Readily accessible data" means personal data that:

322 (a) a consumer directly inputs into or provides to the motor vehicle from a connected
323 device through a motor vehicle's in-vehicle interface; and

324 (b) is stored locally on the motor vehicle and accessible through the in-vehicle interface.

325 Section 4. Section **13-61-502** is enacted to read:

326 **13-61-502 . Motor vehicle manufacturer requirements.**

327 (1) Except as provided in Subsection (2), a motor vehicle manufacturer shall, for a motor
328 vehicle with a model year 2030 or later, provide in-vehicle privacy controls that allow a
329 consumer to:

330 (a) view the categories of personal data the vehicle data collection system collects;

331 (b) view the categories of third parties with whom the motor vehicle manufacturer
332 shares personal data;

333 (c) opt out of the sale of personal data or processing for targeted advertising; and

334 (d) delete readily accessible data.

- 335 (2) A motor vehicle manufacturer is not required to comply with Subsection (1) for a
 336 specific motor vehicle model if the manufacturer demonstrates that the model is not
 337 technologically capable of providing the privacy controls described in Subsection (1).
- 338 (3) A motor vehicle manufacturer shall make the in-vehicle privacy controls described in
 339 Subsection (1):
- 340 (a) accessible through the motor vehicle's in-vehicle interface;
 341 (b) accessible to any individual operating the motor vehicle; and
 342 (c) clearly labeled and easy to locate within the in-vehicle interface.
- 343 (4) The settings selected by a consumer using the in-vehicle privacy controls shall remain
 344 in effect until the consumer changes the settings.
- 345 (5) A motor vehicle manufacturer may provide the consumer with access to privacy
 346 controls through a website or mobile application in addition to the in-vehicle privacy
 347 controls required by this section, but may not require the consumer to use a website or
 348 mobile application to exercise the rights described in this section.
- 349 (6) If a motor vehicle manufacturer receives a court order requiring deletion or a request
 350 that includes a copy of a legally issued protective order, the motor vehicle manufacturer
 351 shall delete all personal data within five business days after the day on which the motor
 352 vehicle manufacturer receives the court order or request.

353 Section 5. Section **13-61-503** is enacted to read:

354 **13-61-503 . Exemptions for motor vehicle manufacturers.**

- 355 (1) A motor vehicle manufacturer may collect personal data for the purpose of improving
 356 the motor vehicle manufacturer's product if the motor vehicle manufacturer:
- 357 (a) collects only the minimum personal data necessary to accomplish the purpose; and
 358 (b) uses the personal data only for internal product improvement purposes.
- 359 (2) Personal data collected in accordance with Subsection (1) is not subject to the consent
 360 requirements of Section 13-61-302.
- 361 (3) Section 13-61-302 does not apply to personal data that a vehicle data collection system:
- 362 (a) collects solely for the purpose of:
- 363 (i) vehicle safety, including airbag deployment, ~~§~~→ **operational safety, passenger**
 363a **safety,** ←~~§~~ collision avoidance, or other safety
 364 features required by federal law;
- 365 (ii) vehicle operation, including engine control, ~~§~~→ **battery level,** ←~~§~~ transmission
 365a operation, or other
 366 mechanical functions necessary to operate the motor vehicle; or

367 (iii) compliance with a federal or state law, rule, or regulation; or
368 (b) processes temporarily and does not transmit outside the motor vehicle or store for
369 longer than necessary.

370 Section 6. Section **13-61-504** is enacted to read:

371 **13-61-504 . Motor Vehicle Division notification requirements.**

372 The Motor Vehicle Division, created in Section 41-1a-106, shall provide information on
373 the division's website regarding the data privacy rights of motor vehicle owners under this part.

374 Section 7. **Effective Date.**

375 This bill takes effect on January 1, 2027.