

# Personal Information Protection in Utah

Utah regulates the protection of personal information as follows:

## What is Considered Personal Information

Personal information is generally defined as a person's first name or first initial and last name, combined with any one or more of the following data elements relating to that person when either the name or data element is unencrypted or not protected by another method that renders the data unreadable or unusable:

- Social Security number;
- Financial account number, or credit or debit card number, **and** any required security code, access code, or password that would permit access to the person's account; or
- Driver license number or state identification card number.

Note: Personal information generally does not include information regardless of its source, contained in federal, state, or local government records or in widely distributed media that are lawfully made available to the general public.

## Requirements for Employers

Any person who conducts business in Utah and maintains personal information generally must implement and maintain reasonable procedures to:

- Prevent unlawful use or disclosure of personal information collected or maintained in the regular course of business; and
- Destroy (or arrange for the destruction of) records containing personal information that are not to be retained, by shredding, erasing, or otherwise modifying the personal information to make the information indecipherable.

## Disclosure of System Security Breach

- A person who owns or licenses computerized data that includes personal information concerning a Utah resident generally must, when the person becomes aware of a breach of system security, conduct in good faith a **reasonable and prompt investigation** to determine the likelihood that personal information has been or will be misused for identity theft or fraud purposes.
- If such investigation reveals that the misuse of personal information for identity theft or fraud purposes has occurred, or is reasonably likely to occur, the person must **provide notification** to each affected Utah resident.
- A person who maintains computerized data that includes personal information that the person **does not own or license** generally must **notify and cooperate with the owner or licensee of the information** of any breach of system security immediately following the person's discovery of the breach if misuse of the personal information occurs or is reasonably likely to occur.

## Utah Consumer Privacy Act

On March 24, 2022, Utah [adopted](#) the Utah Consumer Privacy Act (UCPA). The UCPA becomes effective on **Dec. 31, 2023**. Compliance with the UCPA will be monitored by the [Utah Division of Consumer Protection](#) and enforced by the state's attorney general office.

## Consumer Rights

The UCPA provides consumers with the right to access and delete certain personal data maintained by businesses subject to the UCPA; opt out of the collection and use of personal data for certain purposes; and receive information regarding data collection, use and sale.

## **Business Obligations**

Under the UCPA, businesses that control and process consumers' personal data are required to safeguard such data, provide clear information to consumers regarding how it is used, and accept and comply with consumer requests to exercise their rights under the UCPA (including a request to delete or stop selling a consumer's personal data).

Affected businesses include any controller or processor that:

- Conducts business in the state or produces a product or service that is targeted to consumers who are residents of the state;
- Has an annual revenue of \$25,000,000 or more; and
- During a calendar year:
  - Controls or processes personal data of 100,000 or more consumers; or
  - Derives over 50% of its gross revenue from the sale of personal data and controls or processes personal data of 25,000 or more consumers.

Notable exemptions apply to governmental entities, Native American tribes, institutions of higher education, nonprofit corporations and some information protected by other privacy laws, such as the federal Health Insurance Portability and Accountability Act.

## **For More Information**

- [Utah Protection of Personal Information Act](#)

**Please Note:** The state laws summaries featured on this site are for general informational purposes only. In addition to state law, certain municipalities may enact legislation that imposes different requirements. State and local laws change frequently and, as such, we cannot guarantee the accuracy or completeness of the information featured in the State Laws section. For more detailed information regarding state or local laws, please contact your state labor department or the appropriate local government agency.