

# ETHOS PRIVACY

## Utah Consumer Privacy Act

*The content below does not, and is not intended to, constitute legal advice; instead, all information, content, and guidance contained herein is for general informational purposes only.*

### Legislative Overview

The Utah House passed the Utah Consumer Privacy Act (UCPA) on March 2, 2022. While the bill is not yet law, there is a strong likelihood it will be passed into law with few, if any, substantive changes to the current text. If the UCPA is passed, Utah will become the fourth state with comprehensive consumer privacy legislation in the United States.

### Key Requirements (Private Sector)

Legislation Information			
Date passed	TBD	Effective date	December 31, 2023
Application			
Industries	Private entities excluding government contractors, higher ed, nonprofits, HIPAA-covered entities, consumer reporting, GLBA-covered entities		
Size of the Organization	Annual revenue of at least \$25M, and <ul style="list-style-type: none"> <li>Processes personal information of at least 100,000 consumers, or</li> <li>Derives at least 50% of gross revenue from selling personal information AND processes the personal information of at least 25,000 consumers</li> </ul>		
Geography	Utah, USA	Extraterritoriality	Yes, the bill applies to any business within scope that targets products or services to Utah residents
Age of Child	Under 13 years	Rules around children's PI	<ul style="list-style-type: none"> <li>Provide parents/guardians the right to exercise data subject rights on child's behalf</li> <li>Refers out to COPPA</li> </ul>
Data			
Personal Information	Information that is linked or reasonably linkable to an identified individual or an identifiable individual; does not include	Sensitive data	<ul style="list-style-type: none"> <li>Race/Ethnicity (with exceptions)</li> <li>Religious beliefs</li> <li>Sexual orientation</li> <li>Citizenship/Immigration status</li> <li>Medical/Healthcare information</li> <li>Genetic and biometric data for the purpose of identifying individuals</li> <li>Specific geolocation data</li> </ul>
Exemptions			
<ul style="list-style-type: none"> <li>De-identified data, aggregated data, or publicly available information</li> <li>Uses of personal information according to other applicable laws</li> </ul>			

Enforcement			
Official Guidance or Regulation	Not yet available		
Enforcement Body	Utah Attorney General, Division of Consumer Protection	Right to cure	Yes, 30 days
Private Right of Action	No	Monetary Penalties	<ul style="list-style-type: none"> <li>Actual damages and</li> <li>Up to \$7,500 per violation</li> </ul>
Key Requirements			
Privacy Notice	<ul style="list-style-type: none"> <li>Plain language, easily findable</li> <li>Must include: <ul style="list-style-type: none"> <li>categories of personal information processed</li> <li>purposes for processing</li> <li>methods to exercise data subject rights</li> <li>categories of personal information shared or sold</li> </ul> </li> </ul>		
Data Subject Rights	<ul style="list-style-type: none"> <li>To know</li> <li>Access</li> <li>Deletion</li> <li>Portability (receive copy of personal information)</li> </ul>	<ul style="list-style-type: none"> <li>Do not sell</li> <li>Opt-out of targeted ads</li> <li>Non-discrimination</li> </ul>	<p><i>Note: not applicable to de-identified or pseudonymized data in most cases</i></p>
DSR Response Time	45 days	Response Extension	One extension allowed, 45 days
Consent	“An affirmative act by a consumer that unambiguously indicates the consumer's voluntary and informed agreement to allow a person to process personal data related to the consumer.”		
Other requirements	<ul style="list-style-type: none"> <li>Must provide the ability for data subjects to opt out of the use of sensitive personal information prior to processing</li> <li>Contracts with processors required</li> <li>Appropriate security</li> </ul>		

## Next Steps

Ethos Privacy's consulting team is standing by to help your organization manage the challenges posed by [Insert the name of the legislation]. For any questions you may have regarding recent privacy and data protection developments across the globe, please reach out to [any member of our team](#).