

**Utah Code Ann. § 63A-19-406**

Current through May 1, 2024 of the 2024 General Session.

*Utah Code Annotated > Title 63A Utah Government Operations Code (Chs. 1 — 19) > Chapter 19. Government Data Privacy Act (Pts. 1 — 6) > Part 4. Duties of Governmental Entities (§§ 63A-19-401 — 63A-19-406)*

**63A-19-406. Data breach notice to individuals affected by data breach.**

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- (1) A governmental entity shall provide a data breach notice to an individual or legal guardian of an individual affected by the data breach:
  - (a) after determining the scope of the data breach;
  - (b) after restoring the reasonable integrity of the affected system, if necessary; and
  - (c) without unreasonable delay except as provided in Subsection (1)(b).
- (2) A governmental entity shall delay providing notification under Subsection (1) at the request of a law enforcement agency that determines that notification may impede a criminal investigation, until such time as the law enforcement agency informs the governmental entity that notification will no longer impede the criminal investigation.
- (3) The data breach notice to an affected individual shall include:
  - (a) a description of the data breach;
  - (b) the individual's personal data that was accessed or may have been accessed;
  - (c) steps the governmental entity is taking or has taken to mitigate the impact of the data breach;
  - (d) recommendations to the individual on how to protect themselves from identity theft and other financial losses; and
  - (e) any other language required by the Cyber Center.
- (4) Unless the governmental entity reasonably believes that providing notification would pose a threat to the safety of an individual, or unless an individual has designated to the governmental entity a preferred method of communication, a governmental entity shall provide notice by:
  - (a)
    - (i) email, if reasonably available and allowed by law; or
    - (ii) mail; and
  - (b) one of the following methods, if the individual's contact information is reasonably available and the method is allowed by law:

- (i) text message with a summary of the data breach notice and instructions for accessing the full notice; or
- (ii) telephone message with a summary of the data breach notice and instructions for accessing the full data breach notice.

(5) A governmental entity shall also provide a data breach notice in a manner that is reasonably calculated to have the best chance of being received by the affected individual or the legal guardian of an individual, such as through a press release, posting on appropriate social media accounts, or publishing notice in a newspaper of general circulation when:

- (a) a data breach affects more than 500 individuals; and
- (b) a governmental entity is unable to obtain an individual's contact information to provide notice for any method listed in Subsection (4).

## History

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2024 ch. 417, § 13, effective May 1, 2024.

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