# **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.**

**(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**

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

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