

PUBLIC SAFETY EMPLOYEE PERSONAL DATA

AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ryan D. Wilcox

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to protection of personal information of certain public safety employees.

Highlighted Provisions:

This bill:

- ▶ creates and modifies definitions;
- ▶ modifies requirements and prohibitions relating to protection of personal information of certain public safety employees; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-18-102, as last amended by Laws of Utah 2019, Chapter 402

53-18-103, as last amended by Laws of Utah 2019, Chapter 402

REPEALS:

53-18-101, as enacted by Laws of Utah 2017, Chapter 266



28

29 *Be it enacted by the Legislature of the state of Utah:*30 Section 1. Section **53-18-102** is amended to read:31 **CHAPTER 18. PROTECTION OF PERSONAL INFORMATION OF PUBLIC**32 **SAFETY EMPLOYEES**33 **53-18-102. Definitions.**

34 As used in this chapter:

35 (1) "Access software provider" means a provider of software, including client or server
36 software, or enabling tools that do any one or more of the following:

37 (a) filter, screen, allow, or disallow content;

38 (b) pick, choose, analyze, or digest content; or

39 (c) transmit, receive, display, forward, cache, search, subset, organize, reorganize, or
40 translate content.

41 (2) "Correctional facility" means the same as that term is defined in Section

42 [77-16b-102](#).43 ~~[(2)]~~ (3) "Immediate family member" means a ~~[law enforcement officer's]~~ public safety
44 employee's spouse, child, parent, or grandparent who resides with the ~~[officer]~~ public safety
45 employee.46 ~~[(3)]~~ (4) "Interactive computer service" means the same as that term is defined in
47 Subsection 47 U.S.C. 230(f).48 ~~[(4)]~~ (5) "Law enforcement officer" or "officer":49 (a) means the same as that term is defined in Section [53-13-103](#);50 (b) includes ~~["~~correctional officers~~"]~~ as defined in Section [53-13-104](#); and51 (c) refers only to officers who are currently employed by, retired from, or were killed in
52 the line of duty while in the employ of a state or local governmental law enforcement agency.53 ~~[(5)]~~ (6) (a) "Personal information"~~[: (a) means a law enforcement officer's or law~~54 ~~enforcement officer's]~~ means a public safety employee's or a public safety employee's

55 immediate family member's home address, home telephone number, personal mobile telephone

56 number, personal pager number, personal email address, or personal photograph, directions to57 locate the ~~[law enforcement officer's]~~ public safety employee's home, or photographs of the58 ~~[law enforcement officer's or the officer's]~~ public safety employee's or the public safety

59 employee's immediate family member's home or vehicle~~;~~ and.

60 (b) "Personal information" includes a record or a part of a record that:

61 (i) a ~~[law enforcement officer]~~ public safety employee who qualifies as an at-risk
62 government employee under Section 63G-2-303 requests to be classified as private under
63 Subsection 63G-2-302(1)(h); and

64 (ii) is classified as private under Title 63G, Chapter 2, Government Records Access
65 and Management Act.

66 (7) "Public safety employee" means:

67 (a) a law enforcement officer; or

68 (b) a current or retired employee or contractor of:

69 (i) a law enforcement agency; or

70 (ii) a correctional facility.

71 ~~[(6)]~~ (8) "Publicly post" or "publicly display" means to intentionally communicate or
72 otherwise make available to the general public.

73 Section 2. Section **53-18-103** is amended to read:

74 **53-18-103. Internet posting of personal information of public safety employees --**
75 **Prohibitions.**

76 (1) (a) A state or local governmental agency that ~~[has received]~~ receives the form
77 described in Subsection (1)(b) from a ~~[law enforcement officer]~~ public safety employee may
78 not publicly post on the Internet the personal information of ~~[any law enforcement officer]~~ the
79 public safety employee employed by the state or ~~[any political subdivision]~~ local governmental
80 agency.

81 (b) Each state or local government agency employing ~~[law enforcement officers]~~ a
82 public safety employee shall:

83 (i) provide a form for ~~[an officer]~~ a public safety employee to request the removal or
84 concealment of the ~~[officer's]~~ public safety employee's personal information from the state or
85 local government agencies' publicly accessible websites and databases;

86 (ii) inform the ~~[officer]~~ public safety employee how to submit a form under this
87 section;

88 (iii) upon request, assist ~~[an officer]~~ a public safety employee in completing the form;

89 (iv) include on the form a disclaimer informing the ~~[officer]~~ public safety employee

90 that by submitting a completed form the [~~officer~~] public safety employee may not receive
91 official announcements affecting the [~~officer's~~] public safety employee's property, including
92 notices about proposed annexations, incorporation, or zoning modifications; and

93 (v) require a form submitted by a [~~law enforcement officer~~] public safety employee to
94 be signed by:

95 (A) for a public safety employee who is a law enforcement officer, the highest ranking
96 elected or appointed official in the officer's chain of command certifying that the individual
97 requesting removal or concealment is a law enforcement officer[-]; or

98 (B) for a public safety employee who is not a law enforcement officer, the public safety
99 employee's supervisor.

100 (2) A county clerk, upon receipt of the form described in Subsection (1)(b) from a [~~law~~
101 ~~enforcement officer~~] public safety employee, completed and submitted under this section, shall:

102 (a) classify the [~~law enforcement officer's~~] public safety employee's voter registration
103 record in the lieutenant governor's statewide voter registration database developed under
104 Section 20A-2-109 as a private record; and

105 (b) classify the [~~law enforcement officer's~~] public safety employee's marriage licenses
106 and marriage license applications, if any, as private records.

107 (3) A county recorder, treasurer, auditor, or tax assessor, upon receipt of the form
108 described in Subsection (1)(b) from a [~~law enforcement officer~~] public safety employee,
109 completed and submitted under this section, shall:

110 (a) provide a method for the assessment roll and index and the tax roll and index that
111 will block public access to the [~~law enforcement officer's~~] public safety employee's personal
112 information; and

113 (b) provide to the [~~law enforcement officer~~] public safety employee who submits the
114 form a written disclaimer informing the [~~officer~~] public safety employee that the [~~officer~~]
115 public safety employee may not receive official announcements affecting the [~~officer's~~] public
116 safety employee's property, including notices about proposed annexations, incorporations, or
117 zoning modifications.

118 (4) A form submitted under this section remains in effect for the shorter of:

119 (a) four years from the date on which the form was signed by the [~~officer~~] public safety
120 employee, regardless of whether the [~~officer's~~] public safety employee's qualifying employment

121 is terminated during the four years; or

122 (b) one year after official notice of the ~~[law enforcement officer's]~~ public safety
123 employee's death is transmitted by the ~~[officer's]~~ public safety employee's immediate family or
124 the ~~[officer's]~~ public safety employee's employing agency to all state and local government
125 agencies that are reasonably expected to have records containing personal information of the
126 deceased ~~[officer]~~ public safety employee.

127 (5) Notwithstanding Subsection (4), the ~~[law enforcement officer]~~ public safety
128 employee, or the ~~[officer's]~~ public safety employee's immediate family if the ~~[officer]~~ public
129 safety employee is deceased, may rescind the form at any time.

130 (6) (a) An individual may not, with intent to frighten or harass ~~[a law enforcement~~
131 ~~officer]~~ a public safety employee, publicly post on the Internet the personal information of ~~[any~~
132 ~~law enforcement officer]~~ a public safety employee knowing the ~~[person]~~ public safety
133 employee is a ~~[law enforcement officer]~~ public safety employee.

134 ~~[(a)]~~ (b) ~~[A violation of this]~~ Except as provided in Subsection (6)(c), a violation of
135 Subsection (6)(a) is a class B misdemeanor.

136 ~~[(b)]~~ (c) A violation of ~~[this]~~ Subsection (6)(a) that results in bodily injury to the
137 ~~[officer]~~ public safety employee, or a member of the ~~[officer's]~~ public safety employee's
138 immediate family, is a class A misdemeanor.

139 ~~[(c)]~~ (d) (i) Each act against a separate individual in violation of ~~[this]~~ Subsection
140 (6)(a) is a separate offense.

141 (ii) ~~[The]~~ A defendant may also be charged separately with the commission of any
142 other criminal conduct related to the commission of an offense under ~~[this]~~ Subsection (6)(a).

143 (7) (a) A business or association may not publicly post or publicly display on the
144 Internet the personal information of ~~[any law enforcement officer if that officer]~~ a public safety
145 employee if the public safety employee has, either directly or through an agent designated
146 under Subsection (7)(c), provided to that business or association a written demand to not
147 disclose the ~~[officer's]~~ public safety employee's personal information.

148 (b) A written demand made under ~~[this]~~ Subsection (7)(a) by a ~~[law enforcement~~
149 ~~officer]~~ public safety employee is effective for four years beginning on the day the demand is
150 delivered, regardless of whether ~~[or not the law enforcement officer's]~~ the public safety
151 employee's employment as [an officer] a public safety employee has terminated during the four

152 years.

153 (c) A ~~[law enforcement officer]~~ public safety employee may designate in writing the
154 ~~[officer's]~~ public safety employee's employer or, for a public safety employee who is a law
155 enforcement officer, a representative of ~~[any]~~ a voluntary professional association of law
156 enforcement officers to act on behalf of the officer and as the officer's agent to make a written
157 demand ~~[pursuant to]~~ under this chapter.

158 (d) (i) A business or association that receives a written demand from a ~~[law~~
159 ~~enforcement officer]~~ public safety employee under Subsection (7)(a) shall remove the
160 ~~[officer's]~~ public safety employee's personal information from public display on the Internet,
161 including the removal of information provided to cellular telephone applications, within 24
162 hours of the delivery of the written demand, and shall ensure that the information is not posted
163 again on the same Internet website or any other Internet website over which the recipient of the
164 written demand maintains or exercises control ~~[over]~~.

165 (ii) After receiving the ~~[law enforcement officer's]~~ public safety employee's written
166 demand, the person, business, or association may not publicly post or publicly display on the
167 Internet, the personal information of the ~~[law enforcement officer]~~ public safety employee.

168 (iii) This Subsection (7)(d) does not prohibit a telephone corporation, as defined in
169 Section [54-2-1](#), or ~~[its]~~ the telephone corporation's affiliate or other voice service provider,
170 including providers of interconnected voice over Internet protocol service as defined in 47
171 C.F.R. 9.3, from transferring the ~~[law enforcement officer's]~~ public safety employee's personal
172 information to any person, business, or association, if the transfer is authorized by federal or
173 state law, regulation, order, terms of service, or tariff, or is necessary in the event of an
174 emergency, or to collect a debt owed by the ~~[officer]~~ public safety employee to the telephone
175 corporation or its affiliate.

176 (iv) This Subsection (7)(d) does not apply to a telephone corporation or other voice
177 service provider, including providers of interconnected voice over Internet protocol service,
178 with respect to directories or directories listings to the ~~[extend]~~ extent the entity offers a
179 nonpublished listing option.

180 (8) (a) A ~~[law enforcement officer]~~ public safety employee whose personal information
181 is made public as a result of a violation of Subsection (7) may bring an action seeking
182 injunctive or declarative relief in ~~[any]~~ a court of competent jurisdiction.

183 (b) If a court finds that a violation has occurred, ~~[it]~~ the court may grant injunctive or
184 declarative relief and shall award the ~~[law enforcement officer]~~ public safety employee court
185 costs and reasonable attorney fees.

186 (c) If the defendant fails to comply with an order of the court issued under ~~[this]~~
187 Subsection (8)(b), the court may impose a civil penalty of not more than \$1,000 for the
188 defendant's failure to comply with the court's order.

189 (9) (a) A person, business, or association may not solicit, sell, or trade on the Internet
190 the personal information of a ~~[law enforcement officer]~~ public safety employee, if:

191 (i) the dissemination of the personal information poses an imminent and serious threat
192 to the ~~[law enforcement officer's]~~ public safety employee's safety or the safety of the ~~[law~~
193 ~~enforcement officer's]~~ public safety employee's immediate family; and

194 (ii) the person making the information available on the Internet knows or reasonably
195 should know of the imminent and serious threat.

196 (b) (i) ~~[A law enforcement officer]~~ A public safety employee whose personal
197 information is knowingly publicly posted or publicly displayed on the Internet may bring an
198 action in ~~[any]~~ a court of competent jurisdiction.

199 (ii) If a jury or court finds that a defendant has committed a violation of Subsection
200 (9)(a), the jury or court shall award damages to the ~~[officer]~~ public safety employee in the
201 amount of triple the cost of actual damages or \$4,000, whichever is greater.

202 (10) An interactive computer service or access software is not liable under Subsections
203 (7)(d)(i) and (9) for information or content provided by another information content provider.

204 (11) Unless a state or local government agency receives a completed form directly from
205 ~~[the law enforcement officer]~~ a public safety employee in accordance with Subsection (1), a
206 state or local government official who makes information available for public inspection in
207 accordance with state law is not in violation of this chapter.

208 **Section 3. Repealer.**

209 This bill repeals:

210 Section **53-18-101**, Title.