

EDUCATION INDUSTRY EMPLOYEE PRIVACY

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Trevor Lee

Senate Sponsor: _____

LONG TITLE

General Description:

This bill provides for the personal privacy of local education agency employees.

Highlighted Provisions:

This bill:

- ▶ enacts restrictions on a local education agency (LEA) selling or transferring certain contact information without consent;
- ▶ prohibits requiring use of certain technologies on personal devices;
- ▶ requires an LEA to provide accommodations for mandatory technology use under certain circumstances;
- ▶ allows an employee to file written complaints with the State Board of Education about violations;
- ▶ permits the State Board of Education to investigate complaints; and
- ▶ allows for consequences for violations.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

53G-10-207, Utah Code Annotated 1953



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53G-10-207** is enacted to read:

53G-10-207. Personal privacy for employee.

(1) As used in this section:

(a) "Employee" means:

(i) "administrative personnel" as the term is defined in Section [53G-10-206](#); and

(ii) "instructional personnel" as the term is defined in Section [53G-10-206](#).

(b) "LEA" means the same as the term is defined in Section [53E-1-102](#).

(c) "Required technology" means an application, software, or other technologies for work-related duties without which an employee could not reasonably complete necessary or essential job functions or engage in emergency situations.

(d) "Work-related contact information" means:

(i) private or work provided phone numbers used for work purposes;

(ii) email addresses provided by an employer or used primarily for work functions;

(iii) work mail addresses, including physical addresses, post office boxes, and other mailing details used to send or receive work-related communications or documents;

(iv) logins, usernames, access codes, passwords, or other credentials used to access accounts, systems, documents, records, or services provided in relation to an employee's job duties; and

(v) messaging accounts, forum memberships, directory listings, distribution lists, committee or group enrollments.

(2) An LEA or the state board may not sell or otherwise transfer an employee's work-related contact information to a third-party.

(3) An LEA or the state board may not distribute an employee's work-related contact information in a manner that would interfere with an employee's ability to access or use work-related accounts, contacts, email lists, or other contact information resources necessary to perform their job duties.

(4) An LEA may not require an employee to download, install, access, or otherwise use required technology on a personally-owned electronic device if use of the required technology contains terms, conditions, or data sharing provisions that would allow for access to data or

59 information outside of the required technology.

60 ~~Ĥ→ [(5) If an LEA requires an employee to utilize required technology that the employee~~
61 ~~reasonably finds to contain objectionable terms and conditions, the LEA shall provide~~
62 ~~reasonable accommodations to the impacted employee to avoid mandatory usage on the~~
63 ~~employee's personal device.~~

64 ~~——(6)] (5) ←Ĥ~~ An LEA shall provide a reasonable accommodation ~~Ĥ→ [under Subsection (5)]~~
64a ~~←Ĥ~~ that
65 allows required usage without accessing an employee's personal device including providing the
66 required technology:

67 (a) via an LEA-owned and provided electronic device such as a computer, phone, or
68 tablet;

69 (b) through a secure virtual or remote desktop environment not requiring installation or
70 access credentials on a personal device; or

71 (c) through similar means that do not obligate personal device usage.

72 ~~Ĥ→ [(7)] (6) ←Ĥ~~ An LEA may not take adverse action against an employee for exercising
72a rights
73 under this section and requesting reasonable accommodations.

74 ~~Ĥ→ [(8)] (7) ←Ĥ~~ An employee may file a written complaint with the state board alleging
74a violations
75 of this chapter.

76 ~~Ĥ→ [(9)] (8) ←Ĥ~~ The state board shall investigate any complaint alleging violations under
76a this
77 section and take licensure or corrective action if determined necessary.

78 **Section 2. Effective date.**

79 This bill takes effect on July 1, 2024.