



Spencer J. Cox
Governor

Margaret Woolley Busse
Executive Director, Utah Department of Commerce

Deidre Henderson
Lt. Governor

Katie Hass
Director, Utah Division of Consumer Protection

December 31, 2023

RE: Notice of Effective Date of the Utah Consumer Privacy Act

Dear Business Owner/Licensee,

On December 31, 2023, the Utah Consumer Privacy Act (“UCPA”), found in Utah Code §§ 13-61-101, et seq., became effective. The UCPA gives consumers in the State of Utah various rights with regard to the personal data that they may have provided to businesses. Personal data includes any information that is linked or reasonably linkable to an identified individual or an identifiable individual.

Under the UCPA, persons who control how personal data is processed (“controllers”) or persons who actually process personal data on behalf of this business (“processors”) must establish, implement, and maintain reasonable administrative, technical, and physical data security practices designed to 1) protect the confidentiality and integrity of a consumer’s personal data, and 2) reduce reasonably foreseeable risks of harm to consumers relating to the processing of their personal data.

The UCPA specifically applies to controllers and processors who either conduct business in the State of Utah or produce a product or service targeted to consumers who are residents of the State of Utah. These controllers and processors must have an annual revenue of \$25,000,000 or more and either 1) control or process personal data of 100,000 or more consumers during a calendar year or 2) derive over 50% of their gross revenue from the sale of personal data and control or process personal data of 25,000 or more consumers.

The UCPA requires controllers to provide consumers with a reasonably accessible and clear privacy notice that describes 1) the categories of personal data processed by the business, 2) the purposes for which the personal data are processed, 3) how a consumer may exercise their privacy rights; 4) the categories of personal data that the business shares with third parties, if any; and 5) the categories of third parties, if any, with whom the business shares personal data. And if a controller sells a consumer’s personal data or uses a consumer’s personal data for targeted advertising, the controller must inform the consumer about how a consumer may opt out of the 1) sale of their personal data or 2) the processing of

their personal data for targeted advertising. In addition, controllers may not process a consumer's sensitive data without first providing the consumer with clear notice and an opportunity to opt out of having their sensitive data processed.

If a consumer contacts a controller to exercise their rights provided by the UCPA, the controller must: 1) act on a consumer's request within 45 days; 2) inform consumers of any action taken upon a request; 3) provide consumers with a reasonably accessible and clear privacy notice; and 4) provide consumers with clear notice and an opportunity to opt out of having their sensitive data processed.

The purpose of this letter is not intended to provide you with legal advice but to notify you about some of the requirements of the UCPA. The full text of the UCPA can be found at:

<https://le.utah.gov/xcode/Title13/Chapter61/13-61.html>.

For additional information, please visit the Utah Division of Consumer Protection website at

<https://dcp.utah.gov/ucpa> or the Utah Attorney General's website at

<https://attorneygeneral.utah.gov/how-can-consumers-protect-their-personal-data/>.

Sincerely,

Utah Division of Consumer Protection