

Utah Consumer Privacy Act (“UCPA”)

On March 24, 2022, Governor Spencer J. Cox signed the [Utah Consumer Privacy Act](#) (“UCPA”), making Utah the fourth state in the country to adopt a comprehensive privacy law. The UCPA is set to take effect on December 31, 2023, with requirements that closely mirror the Virginia Consumer Data Protection Act (“VCDPA”). The UCPA includes broad exemptions for businesses and data subject to federal sector-specific privacy regimes, and all enforcement will be carried out by the Utah attorney general (there is no private right of action).

The UCPA affects for-profit businesses that (a) conduct business in Utah; or produces a product or service targeted to consumers who are Utah residents; (b) have annual revenue of \$25 million or more; and (c) satisfies one or more of certain enumerated thresholds: (i) during the calendar year, controls or processes personal data of 100,000 or more consumers; or (ii) derives over 50% of the entity’s gross revenue from the sale of personal data, and controls or processes personal data of 25,000 or more consumers.

The UCPA follows the GDPR framework and categorizes a business based on its activities as either a “controller” or “processor,” and provides specific requirements as to both categories (similar to the VCDPA). Under the UCPA, “processor” is defined as a person who processes personal data on behalf of a controller.

Under the UCPA, a “consumer” is defined as an individual who is a resident of the state acting in an individual or household context. It does not include an individual acting in an employment or commercial context.

There are a number of exemptions for entities, such as consumer reporting agencies, the government, nonprofits, and information covered under other federal laws, such as FCRA, GLBA, DPPA, and HIPAA.

Further, unlike the VCDPA, there are differences under the UCPA, such as:

- There is no consumer right to request the correction of personal data.
- Data controllers are not required to implement an appeal process when consumer requests are denied.
- Consumer consent is not required prior to processing sensitive data of adults. A controller may not process sensitive data collected from a consumer without first presenting the consumer with clear notice and an opportunity to opt out of the processing.
- There is no data protection risk assessment requirement.

Click the link above to view the details and full text of the UCPA.