

Citations

1. State-Endorsed Digital Identity Program Amendments, S.B. 275, 2026 Gen. Sess. (Utah 2026), <https://le.utah.gov/~2026/bills/static/SB0275.html>

2. An Act Requiring the Motor Vehicle Commission to Create Digital Driver's Licenses and Digital Non-Driver Identification Cards, P.L. 2025, c. 115 (N.J. 2025), https://pub.njleg.gov/Bills/2024/AL25/115_.HTM

3. Utah S.B. 275

4. Data Privacy Amendments, H.B. 450, 2026 Gen. Sess. (Utah 2026), <https://le.utah.gov/~2026/bills/static/HB0450.html>

5. Amendments to Motor Vehicle Data Privacy, H.B. 357, 2026 Gen. Sess. (Utah 2026), <https://le.utah.gov/~2026/bills/static/HB0357.html>

6. Identity Protection Modifications, S.B. 256, 2026 Gen. Sess. (Utah 2026), <https://le.utah.gov/~2026/bills/static/SB0256.html>

7. Utah S.B. 275; Utah H.B. 450; Utah H.B. 357; Utah S.B. 256

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Shaping Utah's Digital Future

A Summary of Key 2026 Session Legislation

May 2026

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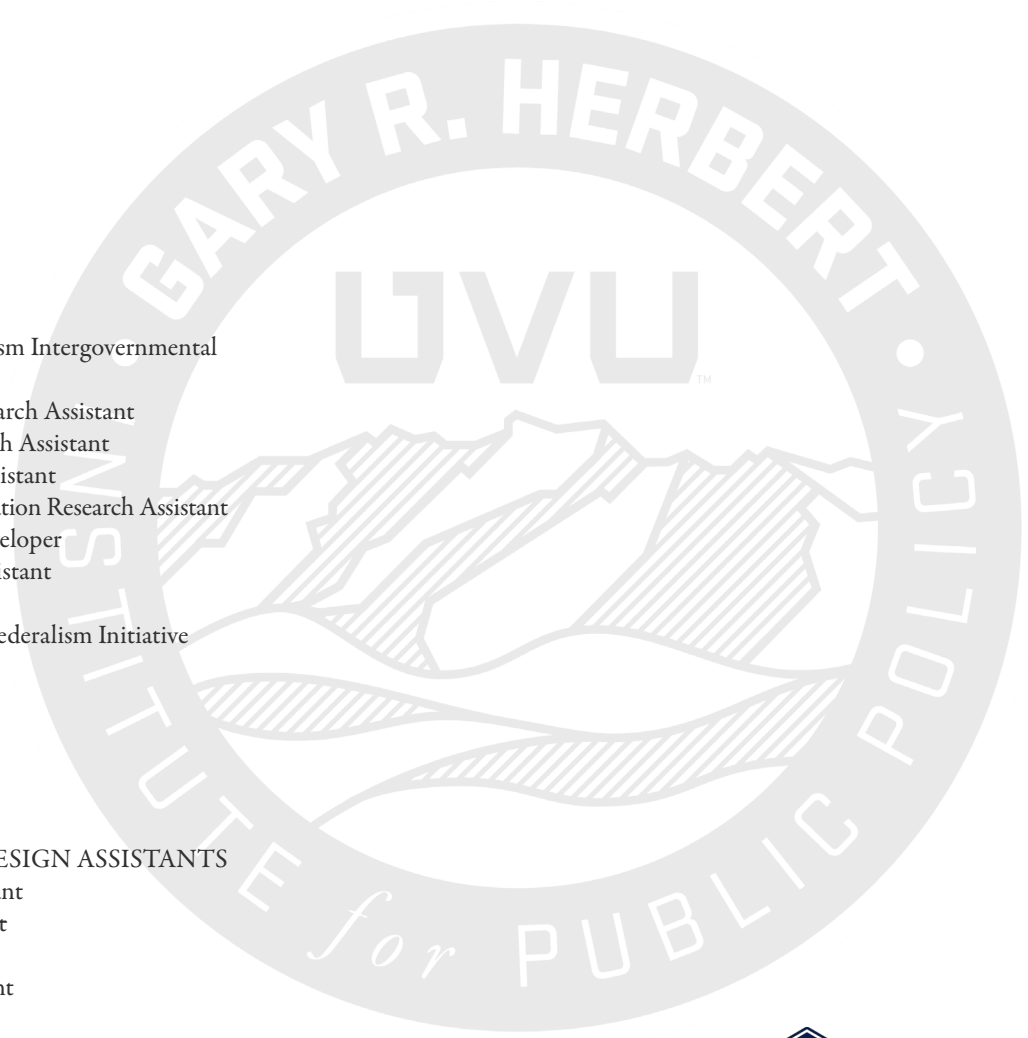
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Introduction

This policy brief provides a broad overview of passed legislation regarding digital identity, data governance, and data privacy in the 2026 Utah General Session which convened from January 20 to March 6. All subsequent references to each respective bill refer to the specific bill text found at le.utah.gov unless otherwise noted.

SB 275: State-Endorsed Digital Identity

Senate Sponsor: Kirk Cullimore | House Sponsor: Paul Cutler

SB 275 creates a digital identity bill of rights along with forming a State-Endorsed Digital Identity (SEDI) program under the Department of Government Operations with the purpose of establishing requirements and criteria for future digital identities in Utah.¹

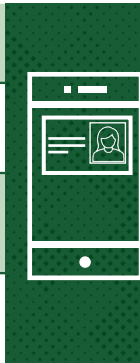
The digital identity bill of rights seeks to establish fundamental rights each individual holds regarding their digital identity and the standards they can expect in creation, management, and acceptance of digital identities. The bill of rights states an “individual possesses an individual identity innate to the individual's existence and independent of the state,” setting the baseline standard for all digital identities. Additionally, it touches on issues such as:

Individuals having the right to manage and control their digital identity for privacy purposes.

Allowing individuals to expect clear standards for the procedures for acceptance and verification of digital identities.

Giving everyone the right of transparency from the state in terms of how it designs and uses digital identification.

Freedom from compulsion to use digital identities and government surveillance and other additional issues.



With this bill of rights enshrined in law, it makes Utah the second state in the US following New Jersey to enact such statutes regulating digital identities while being the first state to create a SEDI program domestically.²

The SEDI program's primary function is to “design, implement, administer, and issue a stateendorsed digital identity.”³ It does this by consulting with government entities, the public, technology experts, and giving reports to the Economic Development and Workforce Services Interim Committee. The leadership of the program will be chosen by the executive director with approval from the governor. The bill requires the SEDI program to address the following issues.

Application & Eligibility

The prior requirements an individual must meet before applying and the process of the application.

Identity Proofing

The procedure in which the state verifies individual application to prevent fraud and misuse while respecting the rights of individuals.

Governmental Entities and Health Care Provider Interactions

Requirements for both parties to accept digital identities after publication from the state and prohibit disproportionate treatment based on the version of identification presented.

Digital Wallet

Establishes the parameters in which digital wallet providers must meet for their digital wallets to be used.

Verifiers and Relying Parties

Summarizes in which circumstances verifiers and relying parties may use digital identity data for their services.

Duty of Loyalty

All parties involved with SEDI must refrain from practices that conflict with an individual's best interests.

Complaints and Enforcement

Outlines the complaint process with the data privacy ombudsperson for issues with SEDI and the enforcement mechanisms through the attorney general.

Auditing

Office of Legislative Auditor General shall conduct an audit in January 2028 assessing compliance of the program with the requirements listed.

Severability

Dictates if one part of this law is ruled invalid by the courts, the rest of statute remains in effect.

Separately, the bill has a list of more specific requirements addressing the core component of the SEDI itself ranging from the technology requirements to the personal data used in the digital identity. Both criteria are to be used together with the digital identity bill of rights and input from all involved parties to create an effective form of SEDI for the State of Utah.

This bill will take effect on May 6, 2026.



HB 450: Data Privacy Amendments

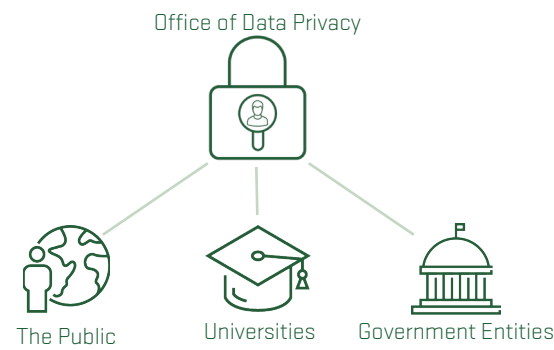
House Sponsor: David Shallenberger | Senate Sponsor: Kirk Cullimore

HB 450 adjusts data privacy governing bodies along with various other data privacy compliance procedures at the state government level.⁴ It adjusts the Utah Privacy Commission by adding two members—a private citizen representing the public, and another chosen by the State Board of Education representing the privacy interests of students and education providers. The commission will establish rules regarding participation requirements for commission members and provide a way for members to be replaced if they fail to meet said requirements.

The bill adds responsibilities to the Utah Office of Data Privacy (ODP). The ODP is to create educational and training materials that cover the new requirements for the data privacy trainings government entity employees must complete annually. The office shall additionally do the following:

Advise the governing board about systemic data privacy matters;

- Work with government entities to develop cooperative contracts for the purpose of supporting their data privacy compliance;
- Make available a data privacy tool which can be used by governmental entities to assess their level of compliance with state privacy requirements;
- Issue guidance or recommendations to government entities on best practices and compliance strategies for data governance and privacy;
- Partner with state institution of higher education research to create systems, tools, research, models, and support in the matters of data governance and data privacy.



ODP may issue one-time extensions to a category or group of government entities for them to meet data governance requirements. Government entities must compile a report of how their entity is meeting data privacy requirements, strategies for how they'll improve their data governance practices, and the number of employees that have completed their data privacy trainings. The bill moves the data privacy ombudsperson under the ODP and requires the office to complete a study jointly with the Privacy Commission focusing on processing activities that may collect individuals' personal data without the ability to provide direct notice to them.

This bill also addresses how governmental entities can resolve data privacy complaints from the public through the original parties involved with the data privacy ombudsperson. Separately, the bill imposes notifications to be sent to involved parties in case of unauthorized access to personal data likely to be used for criminal acts. Finally, it imposes further requirements for how government entities must use personal data, and restructures how the state auditor is involved in data governance.

This bill will take effect on May 6, 2026.

HB 357: Amendments to Motor Vehicle Data Privacy

House Sponsor: Kristen Chevrier | Senate Sponsor: Wayne Harper

HB 357 addresses data privacy concerns from motor vehicle manufacturers who collect personal data through vehicle data systems.⁹ The bill requires any motor vehicle model year 2030 or later to provide privacy controls to consumers that would allow individuals to:

- View Categories of their personal data collected and shared with third parties by the motor vehicle;
- Opt out of the sale of their personal data for advertising purposes;
- Delete any of their accessible data.



Any court order or protective order requesting deletion of data must be deleted by motor vehicle manufacturers within five business days of receiving the request. The privacy controls need to be clearly labeled, easy to use, and accessible from within the motor vehicle itself. Once the privacy controls are set by the consumer, it can only be further changed by the consumer. Information regarding the data privacy rights for motor vehicle owners will be provided by the Motor Vehicle Division.

The bill does allow for the minimal amount of personal data collection by motor vehicle manufacturers to accomplish the purpose of improving the manufacturer's product. Any data collected for the purposes of motor vehicle safety or compliance with government regulations would not be affected by this legislation.

This bill will take effect on January 1, 2027.

SB 256: Identity Protection Modifications

Senate Sponsor: Kirk Cullimore | House Sponsor: Jordan Teuscher

SB 256 grants individuals the protection of their personal identity through legal action. It clarifies that every individual has "the exclusive right to consent to the use of the individual's personal identity."⁶ This right includes the following:

- Only the individual or right holder may consent to the use of their personal identity in a simulation, reproduction, or artificial recreation of their personal identity.
- The right of a personal identity is licensable but not assignable during an individual's lifetime and does not expire until seventy years after the individual's death.
- Upon the death of an individual, the rights for their personal identity use are transferred to their executors, successors, heirs, assignees, licensees, or devisees and can be transferred to any right holder within the seventy years.
- This legislation applies retroactively to individuals who died before May 6, 2026.

Individuals may file an action against a person who published or caused the publication of libel or slander of the individual using digitally created content without authorization from the individual or rights holder. Any person who distributes, licenses, or sells technology tools meant for the unauthorized creation of an individual's personal identity is liable as well. The party affected must provide written notice of the location, described content, and why it's false and defamatory to the person responsible. If the content is removed within ten days of confirmed receipt of notice, the party affected can only recover actual damages from the action. Upon prevailing in the action, the court can award the plaintiff injunctive relief, damages alleged and proved, and other reasonable fees and costs.

There is no abuse of personal identity if they are represented in a documentary, historical, or biographical work unless it compromises the authentic participation of the said individual. The bill also states that digitally created content of an individual accompanied by a "clear and conspicuous disclosure" that it is a simulation or artificial recreation would not qualify as an abuse of their personal identity.

This bill will take effect May 6, 2026.

“ EVERY INDIVIDUAL HAS THE EXCLUSIVE RIGHT TO CONSENT TO THE USE OF THE INDIVIDUAL'S PERSONAL IDENTITY. ”

Conclusion

While there were plenty of bills that touched on digital topics throughout the General Session, these four bills were primarily used to adjust important statute regarding digital identity, data governance, and data privacy, not only at a governmental level, but also in the realm of consumer markets. The State of Utah and the Utah Office of Data Privacy have indicated that while this past legislative session was fruitful in passing crucial legislation, there is still policy work needed to address the needs of Utah in a constantly evolving digital world.

Appendix

The following definitions are pulled directly from the bills and statute code in which they are mentioned.⁷

Chief Privacy Officer: The governor shall, with the advice and consent of the Senate, appoint a chief privacy officer. The chief privacy officer is the director of the office. The chief privacy officer: (a) shall exercise all powers given to and perform all duties imposed on the office; (b) has administrative authority over the office; (c) may make changes in office personnel and service functions under the chief privacy officer's administrative authority; (d) may authorize a designee to assist with the chief privacy officer's responsibilities.

Data Privacy Complaint: A complaint or concern raised by an individual regarding: (a) an alleged infringement on the individual's data privacy interests described in Subsection 63A-19-102(1); or (b) a governmental entity's data privacy practices described in Part 4, Duties of Governmental Entities.

Data Privacy Ombudsperson: There is created within the (Office of Data Privacy) the position of data privacy ombudsperson. The governor shall appoint an ombudsperson with the advice of the governing board. The ombudsperson shall: (a) be an attorney in good standing and authorized to practice law in this state; (b) be familiar with the provisions of: (i) this chapter; (ii) Chapter 12, Division of Archives and Records Service and Management of Government Records; and (iii) Title 63G, Chapter 2, Government Records Access and Management Act.

Digital Identity: An electronic record that: (i) an individual may use to assert an individual's identity or identity attributes; and (ii) can be mathematically verified.

Digital Wallet: An application, hardware device, software, or service that securely stores, organizes, and manages a state digital identity.

Digital Wallet Provider: A person that creates, develops, maintains, supports, and makes available a digital wallet for a state digital identity.

Digitally Created Content: Content created through generative artificial intelligence, computer animation, digital manipulation, or other technological means.

Generative Artificial Intelligence: An artificial intelligence technology system that: (a) is trained on data; (b) responds to human input; and (c) is capable of generating content similar to content created by a human, with limited or no human involvement in the generation.

Governmental Entity: (i) Executive department agencies of the state, the offices of the governor, lieutenant governor, state auditor, attorney general, and state treasurer, the Board of Pardons and Parole, the Board of Examiners, the National Guard, the Career Service Review Office, the State Board of Education, the Utah Board of Higher Education, and the State Archives; (ii) the Office of the Legislative Auditor General, Office of the Legislative Fiscal Analyst, Office of Legislative Research and General Counsel, the Legislature, and legislative committees, except any political party, group, caucus, or rules or sifting committee of the Legislature; (iii) courts, the Judicial Council, the Administrative Office of the Courts, and similar administrative units in the judicial branch; (iv) any state-funded institution of higher education or public education; or (v) any political subdivision of the state. "Governmental entity" also means: (i) every office, agency, board, bureau, committee, department, advisory board, or commission of an entity listed above that is funded or established by the government to carry out the public's business; (ii) an interlocal entity or joint or cooperative undertaking; (iii) a governmental nonprofit corporation; (iv) an association as defined in Section 53G-7-1101; (v) the Utah Independent Redistricting Commission; and (vi) a law enforcement agency that employs one or

more law enforcement officers. "Governmental entity" does not include the Utah Educational Savings Plan created in Section 53H-10-202.

Governing Board: The Utah Privacy Governing Board established in Section 63A-19-201.

Health Care Provider: Any person, partnership, association, corporation, or other facility or institution who causes to be rendered or who renders health-care or professional services as a hospital, health-care facility, physician, physician assistant, registered nurse, licensed practical nurse, nurse-midwife, licensed direct-entry midwife, dentist, dental hygienist, optometrist, clinical laboratory technologist, pharmacist, physical therapist, physical therapist assistant, podiatric physician, psychologist, chiropractic physician, naturopathic physician, osteopathic physician, osteopathic physician and surgeon, audiologist, speech-language pathologist, clinical social worker, certified social worker, social service worker, marriage and family counselor, practitioner of obstetrics, licensed athletic trainer, or others rendering similar care and services relating to or arising out of the health needs of persons or groups of persons and officers, employees, or agents of any of the above acting in the course and scope of their employment.

Identity Proofing: The process of collecting, validating, and verifying information about an individual to establish confidence in the individual's claimed identity.

Motor Vehicle: A self-propelled vehicle intended primarily for use and operation on the highways. "Motor vehicle" includes a roadable aircraft and a street-legal all-terrain vehicle.

Motor Vehicle Manufacturer: A person who manufactures or assembles motor vehicles for sale or lease.

Personal Data: Information that is linked or can be reasonably linked to an identified individual or an identifiable individual.

Personal Digital Identifier: An identifier that is: (a) unique; (b) created by or at the direction of an individual; (c) mathematically provable to be under a holder's control; and (d) transportable to technical infrastructure of the holder's choosing.

Publish: a person that provides the instrumentality through which an advertisement or content is communicated to another person.

Relying Party: A person that relies on a verifier's assertion of an individual's identity or identity attribute that a state digital identity provides.

Right Holder: The individual or a person to whom the individual's right in the individual's personal identity has descended or been transferred, including an executor, successor, heir, assignee, licensee, or devisee of the individual.

State-Endorsed Digital Identity: An individual's digital identity that: (a) includes a personal digital identifier; and (b) the department has issued.

Utah Office of Data Privacy: The Utah Office of Data Privacy created in Section 63A-19-301.

Utah Privacy Commission: The Utah Privacy Commission established in Section 63A-19-203.

Vehicle Data Collection System: A technology system or device installed in or on a motor vehicle that collects, transmits, or stores a consumer or occupant's personal data.

Verifier: A person that mathematically verifies a state digital identity to evaluate the state digital identity's authenticity and integrity.