

## Select Committee on Blockchain, Financial Technology and Digital Innovation Technology

*Digital Identity Working Group Report*

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### Drafting Guidance

1        **###** Title 8. General Provisions

2        Chapter 1. Common Law, Statutes and Rules of Construction

3        § 8-1-102. Definitions

4

5        /add the following definitions/

6

7        **“Personal Digital Identity”** is the [SELF-SOVEREIGN] intangible digital  
8        representation of, by, and for an individual and through which they intentionally  
9        communicate or act.

10

11        **“Organizational Digital Identity”** is the [SELF-SOVEREIGN] intangible digital  
12        representation of, by, and for a corporation, business trust, estate, trust, partnership,  
13        limited liability company, association, joint venture, governmental agency, public  
14        corporation or any other legal or commercial entity and through which they  
15        intentionally communicate or act.

16

17        **###** Title 40. Trade and Commerce - Chapter ?

18        /add the following to Title 40 new Chapter? mapped to UETA as with UCC/

19        [Note: This should be mapped back to § 40-21-109 such as by “pursuant to” or “in  
20        accordance with” along the lines achieved through 34-29-103 mapping to UCC Article  
21        9]

22

23        Based on § 40-21-109. UETA Attribution and effect of electronic record and electronic  
24        signature.

25

26        (a) Acts through a Personal Digital Identity are attributable to an individual if they were  
27        the act of the individual. The act of the individual may be shown in any manner,  
28        including a showing of the efficacy of any security procedure applied to determine the  
29        individual to which the electronic record or electronic signature or other act was  
30        attributable.

31

32 (b) Acts through an Organizational Digital Identity are attributable to the organization if  
33 they were the act of the organization. The act of the organization may be shown in any  
34 manner, including a showing of the efficacy of any security procedure applied to  
35 determine the person to which the electronic record or electronic signature or other  
36 acts were attributable.

37

38 (c) The effect of an electronic record or electronic signature or other act attributed to a  
39 person under subsections (a) and (b) of this section is determined from the context  
40 and surrounding circumstances at the time of its creation, execution or adoption,  
41 including the parties' agreement, if any, and otherwise as provided by law.

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## Considerations

1. Should we use 'of, by, and for' or simple 'of'?
2. How do we recognize third party collections of personally identifiable information?
  - a. *CCPA*: personal information broadly to include information that can identify, relate to, describe, be associated with, or be reasonably capable of being associated with a particular consumer or household
  - b. *GDPR*: The data subjects are identifiable if they can be directly or indirectly identified, especially by reference to an identifier such as a name, an identification number, location data, an online identifier or one of several special characteristics, which expresses the physical, physiological, genetic, mental, commercial, etc
3. Other than UETA, where should we hook into these identities?
4. Should we incorporate some self-sovereign digital identity 'principles' in this legislation?