

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Data privacy-government entities.

Sponsored by: Select Committee on Blockchain, Financial
Technology and Digital Innovation Technology

A BILL

for

1 AN ACT relating to the administration of government;
2 requiring government entities to adopt policies for the
3 collection, access, security and use of personal data as
4 specified; requiring specific personal data policies;
5 providing definitions; and providing for effective dates.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 9-21-201 and 9-21-202 are created to
10 read:

11

12 ARTICLE 2 – DATA PRIVACY-GOVERNMENT ENTITIES

1

2 **9-21-201. Definitions.**

3

4 (a) As used in this article:

5

6 (i) "De-identified data" means data that cannot
7 reasonably be used to infer information about, or otherwise
8 be linked to, an identified or identifiable natural person
9 or personal digital identity, or a device linked to a
10 natural person or personal digital identity, if the
11 government entity that possesses the data takes reasonable
12 measures to ensure the data cannot be associated with a
13 natural person or personal digital identity;

14

15 (ii) "Identified or identifiable natural person"
16 means a natural person who can be readily identified,
17 directly or indirectly, by reference to an identifier such
18 as a name, an identification number, specific geolocation
19 data or an online identifier;

20

21 (iii) "Government entity" means the state and all its
22 political subdivisions, agencies, instrumentalities and
23 institutions and any local government entity. "Government

1 entity" shall not include the judicial branch of government
2 or any law enforcement agency in Wyoming;

3

4 (iv) "Law enforcement agency" means a county,
5 municipal, college or university police force, Wyoming
6 highway patrol, the division of criminal investigation, the
7 department of corrections or any state or local agency or
8 political subdivision or part of an agency or political
9 subdivision to the extent that the primary purpose of the
10 agency or political subdivision, or part thereof, is the
11 prevention or investigation of crime and the enforcement of
12 penal, traffic, regulatory or criminal laws. "Law
13 enforcement agency" shall not include the office of any
14 city, county or district attorney or other division of the
15 attorney general;

16

17 (v) "Personal data" means information that is
18 linked or reasonably linkable to an identified or
19 identifiable natural person or personal digital identity
20 and does not include de-identified data or publicly
21 available information. As used in this paragraph, "publicly
22 available information" means information that is lawfully

1 made available from federal, state, or local government
2 records;

3

4 (vi) "Personal digital identity" means as defined
5 in W.S. 8-1-102(a)(xviii);

6

7 **9-21-202. Limitations on personal data by government**
8 **entities; conflict of laws.**

9

10 (a) No government entity shall purchase, sell, trade
11 or transfer personal data without the express written
12 consent of the natural person except as otherwise expressly
13 provided by law.

14

15 (b) Any Wyoming resident may request a copy of their
16 personal data from any government entity maintaining it.
17 The government entity may charge a fee for production of
18 the requested personal data consistent with fees authorized
19 to be charged under the Public Records Act.

20

21 (c) A Wyoming resident who objects to the accuracy,
22 completeness, pertinence, timeliness, relevance, retention,
23 dissemination, or denial of access to the resident's own

1 personal data that is maintained by a government entity
2 may, individually or through a duly authorized
3 representative, file an objection with the government
4 entity that maintains the data. The government entity
5 maintaining the personal data shall, within thirty (30)
6 days of the receipt of an objection:

7

8 (i) Investigate the validity of the objection;

9

10 (ii) If the objection is found to be meritorious
11 after investigation, alter the contents of, or the methods
12 for holding, or the dissemination or use of the personal
13 data, or delete or grant access to it;

14

15 (iii) If the objection is found to lack merit
16 after investigation, provide the resident the opportunity
17 to have a statement reflecting the resident's views
18 maintained and disseminated with the data in question;

19

20 (iv) Notify the resident in writing of any
21 decision regarding the resident's objection.

22

1 (d) To the extent that a provision of this article
2 conflicts with another provision of state or federal law,
3 the other provision shall control.

4

5 **Section 2.** W.S. 9-21-203 is created to read:

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7 **9-21-203. Personal data collection and retention by**
8 **government entities.**

9

10 (a) Each government entity that collects or retains
11 personal data shall adopt, enforce and maintain a policy
12 regarding the collection, access, retention, security and
13 use of personal data consistent with all applicable federal
14 and state laws, including this article.

15

16 (b) No government entity shall collect or maintain
17 more personal data than is reasonably necessary for the
18 performance of the government entity's lawful functions.
19 All personal data collected and maintained by government
20 entities shall be necessary for a specific pre-defined
21 purpose.

22

1 (c) No government entity shall maintain personal data
2 for longer than three (3) years without an express written
3 policy identifying the extended retention period and
4 providing a reasonable justification for the extended
5 retention period.

6

7 **Section 3.** Not later than January 1, 2025, the state
8 chief information officer shall develop sample policies for
9 use by state agencies, counties, cities, towns and other
10 political subdivisions consistent with the requirements of
11 this act.

12

13 **Section 4.** Not later than July 1, 2025 each state
14 agency shall adopt any necessary policies and procedures to
15 meet the requirements of this act.

16

17 **Section 5.** Not later than July 1, 2026 each county,
18 city or town shall adopt any necessary policies and
19 procedures to meet the requirements of this act.

20

21 **Section 6.** Not later than July 1, 2027 each political
22 subdivision of the state other than state agencies,
23 counties, cities or towns, shall adopt any necessary

1 policies and procedures to meet the requirements of this
2 act.

3

4 **Section 7.**

5

6 (a) Section 2 of this act is effective July 1, 2025.

7

8 (b) Sections 1 and 3 through 7 of this act are
9 effective immediately upon completion of all acts necessary
10 for a bill to become law as provided by Article 4, Section
11 8 of the Wyoming Constitution.

12

13 (END)