

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

SENATE FILE 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 the 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; specifying applicability; and
6 providing for effective dates.

7

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

9

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

12

1

ARTICLE 2

2

DATA PRIVACY-GOVERNMENT ENTITIES

3

4

9-21-201. Definitions.

5

6

(a) As used in this article:

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(i) "Deidentified data" means data that cannot reasonably be used to infer information about, or otherwise be linked to, an identified or identifiable natural person or personal digital identity or a device linked to a natural person or personal digital identity.

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STAFF COMMENT

This version of the bill draft removes the following language from last sentence above as it seems potentially confusing and unnecessarily limiting:

20

21

", if the government entity that possesses the data takes reasonable measures to ensure the data cannot be associated with a natural person or personal digital identity;".

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27

1 (ii) "Government entity" means the state and all
2 its political subdivisions, agencies, instrumentalities and
3 institutions and any local government entity. "Government
4 entity" shall not include the judicial branch of government
5 or any law enforcement agency in Wyoming;

6
7 (iii) "Identified or identifiable natural
8 person" means a natural person who can be readily
9 identified, directly or indirectly, by reference to an
10 identifier such as a name, an identification number,
11 specific geolocation data or an online identifier;

12
13 (iv) "Law enforcement agency" means a county,
14 municipal, college or university police force, Wyoming
15 highway patrol, the division of criminal investigation, the
16 department of corrections or any state or local agency or
17 political subdivision or part of an agency or political
18 subdivision to the extent that the primary purpose of the
19 agency or political subdivision, or part thereof, is the
20 prevention or investigation of crime or the enforcement of
21 penal, traffic, regulatory or criminal laws. "Law
22 enforcement agency" shall not include the office of any

1 city, county or district attorney or other division of the
2 attorney general;

3

4 (v) "Personal data" means information that is
5 linked or reasonably linkable to an identified or
6 identifiable natural person or personal digital identity
7 and does not include deidentified data;

8

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

11

12 **9-21-202. Limitations on personal data by government**
13 **entities; conflict of laws.**

14

15 (a) No government entity shall purchase, sell, trade
16 or transfer personal data without the express written
17 consent of the natural person whom the personal data
18 references except as otherwise expressly provided by law
19 and except that:

20

21 (i) A government entity may transfer personal
22 data to another government entity provided that the other
23 government entity complies with this article;

1

2 (ii) A government entity may transfer personal
3 data to a nongovernment entity contracted by the government
4 entity to provide or assist with government services
5 provided by the government entity. Any contract for
6 services with a nongovernment entity shall include
7 requirements for the protection of personal data consistent
8 with this article. Any personal data transferred pursuant
9 to this paragraph shall be returned or destroyed by the
10 nongovernment entity once the personal data is no longer
11 necessary for the provision of the government service. No
12 nongovernment entity shall maintain, sell, transfer,
13 process or otherwise use the personal data in any manner
14 except as necessary to provide the contracted service;

15

16 (iii) A government entity may petition the
17 elected governing person or body with authority over the
18 government entity for an exception to this subsection on a
19 case by case basis. The elected governing person or body,
20 in the elected governing person's or body's discretion, may
21 publicly approve in writing an exception to this subsection
22 not to exceed a term of two (2) years per petition; and

23

1 (iv) Nothing in this subsection shall be
2 construed to prohibit the transfer of personal data that is
3 transferrable pursuant to the Health Insurance Portability
4 and Accountability Act or the Family Education Rights and
5 Privacy Act.

6

7 (b) Any Wyoming resident may request a copy of their
8 personal data from any government entity maintaining it.
9 The government entity may charge a fee for production of
10 the requested personal data consistent with fees authorized
11 to be charged under the Wyoming Public Records Act, W.S.
12 16-4-201 through 16-4-205.

13

14 (c) A Wyoming resident who objects to the accuracy,
15 completeness, pertinence, timeliness, relevance, retention,
16 dissemination or denial of access to the resident's own
17 personal data that is maintained by a government entity
18 may, individually or through a duly authorized
19 representative, file an objection with the government
20 entity that maintains the data. The government entity
21 maintaining the personal data shall, within sixty (60) days
22 of the receipt of an objection:

23

1 (i) Investigate the validity of the objection;

2

3 (ii) If the objection is found to be meritorious
4 after investigation, alter the contents of, or the methods
5 for holding, or the dissemination or use of the personal
6 data, or delete or grant access to it;

7

8 (iii) If the objection is found to lack merit
9 after investigation, provide the resident the opportunity
10 to have a statement reflecting the resident's views
11 maintained and disseminated with the personal data in
12 question;

13

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

16

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

20

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

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1 **9-21-203. Personal data collection and retention by**
2 **government entities.**

3

4 (a) In addition to the policies required under W.S.
5 9-21-101, if applicable, each government entity that
6 collects or retains personal data shall adopt, enforce and
7 maintain a policy regarding the collection, access,
8 retention, security and use of personal data consistent
9 with all applicable federal and state laws, including this
10 article.

11

12 (b) No government entity shall collect or maintain
13 more personal data than is reasonably necessary for the
14 performance of the government entity's lawful functions.
15 All personal data collected and maintained by government
16 entities shall be necessary for a specific purpose
17 identified in the adopted policies of the government
18 entity.

19

20 (c) No government entity shall maintain personal data
21 for longer than three (3) years without a written policy
22 identifying the extended retention period and providing a
23 reasonable justification for the extended retention period.

1 Statutory retention requirements provided for in W.S.
2 9-2-405 through 9-2-413 constitute a reasonable
3 justification.

4

5 (d) A government entity to which the Health Insurance
6 Portability and Accountability Act or the Family Education
7 Rights and Privacy Act applies that is compliant with a
8 written data collection and retention policy that meets the
9 requirements of the Health Insurance Portability and
10 Accountability Act or the Family Education Rights and
11 Privacy Act shall be deemed compliant with this section.

12

13 **Section 3.** Not later than January 1, 2027, the state
14 chief information officer in consultation with the state
15 archivist shall develop sample policies for use by all
16 government entities as defined by W.S. 9-21-201(a)(ii).

17

18 **Section 4.** W.S. 9-2-203 as created by section 2 of
19 this act shall be effective as to counties, cities, public
20 institutions of higher education or towns on July 1, 2028
21 and as to each political subdivision of the state other
22 than state agencies, counties, cities, public institutions
23 of higher education or towns on July 1, 2029. All

1 government entities as defined by W.S. 9-21-201(a)(ii) shall
2 adopt any necessary policies and procedures to meet the
3 requirements of this act.

4

5 **Section 5.**

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7 (a) Section 2 of this act is effective July 1, 2027.

8

9 (b) Sections 1, 3, 4 and 5 of this act are effective
10 immediately upon completion of all acts necessary for a
11 bill to become law as provided by Article 4, Section 8 of
12 the Wyoming Constitution.

13

14 (END)