

R1013, Scope of the Data Breach Requirements in the Utah Government Privacy Act¹

R1013-1 Purpose: To outline the scope of the data breach requirements in the Utah Data Government Privacy Act for the Utah Board of Higher Education (“Board”) and Utah System of Higher Education (“USHE”) institutions.

R1013-2 References

- 2.1 34 Code of Federal Regulations Part 99, Family Educational Rights and Privacy
- 2.2 Utah Code Title 63A Chapter 19, Government Data Privacy Act
- 2.3 Utah Code Title 53B Chapter 28, Part 5, Higher Education Student Data Protection
- 2.4 Utah Code § 53B-28-501, Definitions
- 2.5 Board Policy R1010, Data Breaches

R1013-3 Definitions

3.1 The definitions set forth in Utah Code section 53B-28-501 shall apply to this policy, except that the definition of "personally identifiable student data" shall not include information designated as directory information in accordance with the education entity's directory information policy, as described in 34 C.F.R. Section 99.37.

R1013-4 Policy

4.1 Data Breach Requirements for Personally Identifiable Student Data: The Board and USHE institutions shall follow data breach requirements in Utah Code Title 53B Chapter 28 Part 5, *Higher Education Student Data Protection* and Board Policy R1010, *Data Breaches* for data breaches involving personally identifiable student data. USHE institutions are not required to meet the requirements of Utah Code section 63A-19-406, *Data Breach Notice to Individuals Affected by Data Breach* for data breaches involving personally identifiable student data.

4.2 Data Breach Requirements for other Data: The Board and USHE institutions shall follow the requirements of Utah Code Title 63A Chapter 19, *Government Data Privacy Act* for breaches involving other data not classified as personally identifiable student data.

4.3 Notification to the Cyber Center and the Office of the Attorney General: The data breach requirements in Utah Code section 63A-19-405, *Data Breach Notification to the Cyber*

¹ Adopted November 21, 2024.

Center and the Office of the Attorney General shall apply to all data, including personally identifiable student data, affecting 500 or more individuals.