

ORDINANCE NO. 2025-03

AN ORDINANCE ESTABLISHING A COUNTY DATA PRIVACY PROGRAM IN COMPLIANCE WITH THE UTAH GOVERNMENT DATA PRIVACY ACT (U.C.A. § 63A-19-101, et seq.)

WHEREAS, the Utah Legislature has enacted the Government Data Privacy Act (GDPA), Utah Code Annotated § 63A-19-101 et seq., to protect the privacy and security of personal data handled by governmental entities and ensure transparency and accountability;

WHEREAS, it is in the best interest of San Juan County and its citizens to comply with the GDPA by establishing a robust data privacy program;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of San Juan County as follows:

Section 1. Purpose

The purpose of this ordinance is to formally initiate and establish a data privacy program in accordance with the GDPA requirements to protect personal data, ensure transparency, and promote public trust.

Section 2. Appointment of Chief Administrative Officer (CAO)

The Board of County Commission hereby appoints Mack McDonald as the Chief Administrative Officer responsible for oversight and implementation of the County's data privacy program. The CAO shall:

- Oversee compliance with GDPA;
- Implement and maintain privacy policies.

Section 3. Appointment of Chief Privacy Officer (CPO)

The Board of County Commissioners hereby appoints James Redd as the Chief Privacy Officer responsible for implementation of the County's data Privacy Program. The CPO shall:

- Review specific government privacy practices as referred to by the Commission, the Chief Administrative Officer and the State of Utah;
- Review and provide recommendations regarding consent mechanisms used by governmental entities to collect personal information;
- Review and provide recommendations regarding policies and procedures to the Commission;
- Provide a Staff Training Program regarding privacy, policy changes and overall security.

Section 4. Adoption of Privacy Policies and Notices

The County hereby adopts and will implement comprehensive privacy policies and notices to clearly outline how personal data is collected, used, stored, protected, and managed by the County.

Section 5. Privacy Impact Assessments (PIAs)

The CPO shall initiate and oversee Privacy Impact Assessments for all existing and new high-risk processing activities involving personal data to identify and mitigate privacy risks.

Section 6. Staff Training

Mandatory initial and ongoing training will be provided for all County employees who handle personal data to ensure understanding of the GDPA and compliance with privacy practices.

Section 7. Reporting and Accountability

The CAO and CPO shall ensure regular reporting of compliance efforts and results to the Board of County Commissioners. Documentation shall be maintained and provided upon request to the Utah Office of Data Privacy.

Section 8. County Responsibilities to the Citizens

The CAO and CPO will watch and review any approved software purchases by the departments throughout the County operations. Software that collects private data will be presented to the County Commissioners to see if there is a need for a public hearing with our citizens who will determine if we should use that specific software that collects private data.

Section 9. Software Contracts

Prior to contracts being executed or renewed for any software used by departments, these contracts and renewals will first be reviewed by the CAO, CPO and County Attorney to ensure that the County Data remains private and that any data remains in complete ownership by the County. This review will also require language added that will discourage/prohibit third party use of that data unless consent is provided by the County Commissioners.

Section 10. Effective Date

This ordinance shall become effective immediately upon passage and approval.

PASSED, ADOPTED, AND APPROVED by the Board of County Commissioners of San Juan County, Utah, this 16th day of December 2025.

Silvia Stubbs Chairperson,
San Juan County Commission

ATTEST:

Lyman Duncan,
County Clerk/Auditor

APPROVED AS TO FORM:

Mitch Maughan,
County Attorney