**R356. Governor, Criminal and Juvenile Justice (State Commission on).**

**R356-12. Public Safety Portal Data Reporting.**

**R356-12-1. Authority.**

This rule is authorized by Subsection 63A-16-1002(6)(b).

**R356-12-2. Purpose.**

The purpose of this rule is to establish requirements and procedures for collecting the data described in Subsection 63A-16-1002(4).

**R356-12-3. Definitions.**

Terms used in this rule are found in Section 63A-16-1001, in addition:

(1) "Agency" means any entity identified in Subsection 63A-16-1002(4) that is required to provide data to the commission.

(2)(a) "Aggregated data" means high-level data which has been created by combining individual-level data.

(b) "Aggregated data" includes deidentified data.

(c) "Aggregated data" does not include information which could be:

(i) classified as a private, protected, controlled, or exempt record as defined in Title 63G, Chapter 2, Government Records Access and Management Act; or

(ii) considered personal data as defined in Section 63A-19-101.

(3)(a) "Data" means any information described in Subsection 63A-16-1002(4) that is provided by an agency to the commission.

(b) "Data" includes any:

(i) information described in any of the statutes listed in Subsection 63A-16-1002(4);

(ii) information created or owned by an agency, regardless of when the information was provided to the commission; and

(iii) associated information in the possession of an agency that the commission deems necessary to identify a record or fulfill the commission's duties described in Section 63A-16-1002 or any of the statutes listed in Subsection 63A-16-1002(4).

(4) "Portal" means the public safety portal created in Section 63A-16-1002.

**R356-12-4. Disclosure and Use of Data.**

(1) An agency shall provide data to the commission:

(a) pursuant to the sharing provisions in Section 63G-2-206; and

(b) for the purposes of allowing:

(i) an agency to comply with the reporting requirements described in the statutes listed in Subsection 63A-16-1002(4); and

(ii) the commission to comply with the reporting requirements described in Section 63A-16-1002 and any of the statutes listed in Subsection 63A-16-1002(4).

(2) Data provided by an agency to the commission shall be included in the portal.

(3) An agency shall be responsible for complying with any deadlines described the statutes listed in Subsection 63A-16-1002(4).

(4) The commission may only use data provided by an agency:

(a) as permitted by Section 63A-16-1002 or any of the statutes listed in Subsection 63A-16-1002(4);

(b) as authorized by the agency; or

(c) to produce public reports containing aggregated data.

(5)(a) The commission may not release data in response to a records request made pursuant to Title 63G, Chapter, 2, Government Records Access and Management Act.

(b) If the commission receives a records request for data provided by an agency, the commission shall deny the records request and refer the requester to the agency as provided in Section 63G-2-204.

**R356-12-5. Safeguarding Data.**

(1) The commission shall provide a secure transfer method for an agency to send data to the commission.

(2) The Commission shall implement and maintain administrative, technical, and physical safeguards necessary to protect the confidentiality of data and to prevent the unauthorized use or access of data.

(3) The commission shall ensure that data is only accessible to individuals who have an actual and legitimate need to access or use data.

(4) The commission shall require any agent or subcontractor who may need to access data to agree in writing to be subject to the same restrictions and conditions regarding data as the commission.

(5)(a) The commission shall promptly report to an agency any:

(i) unauthorized access, acquisition, disclosure, loss of access, or destruction of data; or

(ii) interference with or compromise of the security, confidentiality, availability, or integrity of any computer systems involving data.

(b) The commission shall take reasonable steps to mitigate the effects of an incident described in Subsection (5)(a).

(c) The commission shall consult and cooperate with the agency regarding appropriate steps for remediation and any applicable reporting requirements.

**R356-12-6. Retention of Data.**

The commission shall be:

(1) entitled to retain any data provided by an agency; and

(2) under no obligation to return or destroy data provided by an agency.

**KEY: public safety portal, data reporting**

**Date of Last Change: February 7, 2025**

**Authorizing, and Implemented or Interpreted Law: 63A-16-1002**