



# UTAH

## Consumer Privacy Act

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PROVIDED BY BAKER DONELSON  
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*Please note this is a highlighted overview and not a complete overview of privacy laws for this state. If you would like a complete review of this state's privacy laws or a multi-state privacy compliance cheat sheet on specific topics, please contact Vivien Peaden at [vpeaden@bakerdonelson.com](mailto:vpeaden@bakerdonelson.com).*

*Disclaimer: These materials do not constitute legal advice and should not be substituted for the advice of legal counsel.*

# The Utah Consumer Privacy Act (UCPA)

**Effective Date:** December 31, 2023

- 1. Applicability Thresholds:** Subject to certain entity-level and data-level exemptions, the UCPA applies to an individual or legal entity conducting business in Utah or producing products/services targeted to Utah residents (**consumers**) that:



having **\$25 million or more in revenue**; and

controlling or processing:



**100,000+** Utah consumers' personal data (during a calendar year); or



**25,000+** Utah consumers' personal data and derive more than **50 percent of its revenue** from the sale of personal data.

- 2. Key Definitions:**



**Sales of Personal Data:** Narrowly defined as "the exchange of personal information for monetary consideration by a Controller to a third party," subject to certain exemptions.

- 3. Business Obligations:** The UCPA imposes additional obligations on persons who, alone or jointly with others, determine the purpose and means of processing personal information (**Controller**):



**Data Processing Agreement (DPA):** Processing activities by a supplier on the Controller's behalf (**Processor**) shall be governed by a DPA between the Controller and Processor.



**Data Protection Assessment.** None.



**Privacy Notice:** Yes, a Controller must provide consumers with a privacy notice that is reasonably accessible and clear, and disclose a list of required information.



**Data Minimization and Purpose Limitation for Data Processing:** The UCPA is a notable outlier that does not expressly provide for data minimization requirements.



**Universal Opt-out Mechanism:** None.

- 4. Consumer Rights:** Subject to certain exceptions, a Utah consumer has the right to:



**Confirm** whether a Controller is processing its personal data, and **access** the categories of data being processed;



Notably, the **UCPA does not provide** consumers the **right to correct** inaccuracies in their personal data;



**Delete** personal data in a readily usable format, which is narrowly scoped and limited to those provided by the consumer to the Controller;



**Obtain** a copy of their personal data, which is narrowly scoped and limited to those provided by the consumer to the Controller; and



**Opt-out** of data processing for targeted advertising and sales of personal data, but **not** for profiling.

## 5. **Enforcement and Penalties:**



**Private Right of Action:** None.



**Penalties:** Up to \$7,500 per violation in civil penalties. The Utah attorney general may also recover actual damages to the consumer.



**Cure Period:** There is a 30-day cure period; unlike some states, this is a permanent cure period that does not have a cutoff date.