

Privacy Policy Guide

entrata

Utah Consumer Privacy Act

Disclaimer: The information contained herein is general in nature and is not intended to provide, or be a substitute for, legal analysis, legal advice, or consultation with appropriate legal counsel. You should not act or rely on information contained in this document without seeking appropriate professional advice. By distributing this document, Entrata is not providing legal advice, and the use of this document does not create an attorney-client relationship between you and Entrata or between you and any Entrata employee.

Summary

Utah has become the fourth state to sign its own privacy act into law. The Utah Consumer Privacy Act (UCPA) has taken some cues from previous legislation from other states, particularly Virginia's privacy act (CDPA), specifically the terms in defining the entities held to compliance. We've outlined some key items to keep in mind, and how they may affect data privacy compliance once the law goes into effect.

The UCPA will become effective **December 31, 2023**. Like Virginia, Colorado, and Connecticut, Utah's law has taken a controller/processor approach to data privacy. The law sets out provisions for contractual obligations between controllers and processors that give instructions for data processing. Additionally, the UCPA will enact a special division focused on data privacy regulation, called the Division of Consumer Protection. They will investigate and determine if there have been any violations of consumer privacy. This division will bring violations to the Attorney General, who will then review and initiate enforcement. It is important to note that the UCPA does not allow for private cause of action for any violations. All enforcement will be handled by the Division of Consumer Protection and the Attorney General.

Required Action

Businesses must update their privacy policies in order to be in compliance with this new act. The Utah Consumer Privacy Act bill is available online for your personal review on the Utah State Legislature website.

The UCPA and Utah Businesses

Because the UCPA requires businesses marketing to Utah residents to display privacy policies on their websites, Entrata encourages clients with properties in the state to review and update their own privacy policies in order to comply with the UCPA. Within ProspectPortal, a custom privacy policy may be uploaded to meet this requirement.

Entrata's compliance team understands the importance of staying current with these new and evolving data privacy regulations and the importance of keeping our clients up to date as well. If you, as a business that markets to Utah residents, haven't customized the privacy policy on your ProspectPortal websites, the current default displays the Entrata privacy policy. Please note that the Entrata privacy policy does not reflect the collection of data by you as a business/controller in the state of Utah. You should consult with your own legal counsel to assure your privacy policy is drafted correctly to meet the newly enacted UCPA requirements.

Additionally, the UCPA grants consumers certain rights to opt out, request to delete, etc. which may result in data privacy requests being submitted. You can familiarize yourself with the Creating and Managing Data Privacy Requests article within Entrata's Help & Support system.

Here's how to view the user guides on how to create and/or manage data privacy requests and add privacy policies:

1. Visit your Entrata site.
2. Click on the square on the top right corner with a question mark inside.
3. Click on the General Help link in the drop-down menu; it will be the very first link.
4. Search for the keywords "data privacy" in the search bar at the top left of the page.

Pay attention to these relevant Help & Support articles related to data privacy:

- Creating and Managing Data Privacy Requests
- Displaying Privacy Options on Your ProspectPortal Website

We're Here for You

With the GDPR in the EU and the CCPA in California as the leading regulations of data privacy, the topic of data privacy and consumer protection is becoming an increasingly hot topic in today's online world. Entrata remains vigilant in keeping up-to-date with the latest news and regulations.

Our compliance team is here to help. Complying with ever-changing data privacy regulations is our focus, and we're committed to providing the most helpful information to our clients. If you have any questions or concerns regarding Utah's new data privacy regulations or this educational guide, please contact your Entrata representative. For more information on how Entrata handles our customers' data, review our privacy policy found at **legal.entrata.com/privacy-policy**.