



State of Colorado

LEGISLATIVE REQUEST FOR INTERIM STUDY COMMITTEE

To: Legislative Council

Requested by: Senator Lundberg
With support of: Representative Carver and Representative Melton

Re: Request for Interim Study Committee Regarding Colorado Data Privacy Policies and Practices for the State Agency Databases

Date: 04/14/2017

Information Required Pursuant to Section 2-3-303.3, C.R.S.

I hereby request that an interim study committee be formed to study Colorado data privacy policies and practices for state agency databases during the interim between the 2017 and 2018 legislative sessions. The interim study committee would be named the "Data Privacy Interim Study Committee."

The policy issues to be studied are:

- how state agencies are implementing state agency privacy policies under Section 24-72-502, *et seq.* C.R.S. Specifically, to study Section 24-72-502 (1)(b), C.R.S. requirements that state agencies address the minimization of the collection of personally identifiable information to the least amount of information required to complete a transaction; and
- whether state agencies are sharing personally identifiable information with third parties, and if so, the conditions under which state agencies are sharing this information.

The interim study committee would need to meet at least three times to study the issues.

The interim study committee should consist of nine members, including four legislative members. Legislative members are:

- two members of the Senate, with one appointed by the President of the Senate and one appointed one by the minority leader of the Senate.
- two members of the House of Representatives, with one appointed by the Speaker of the House of Representatives, and one appointed by the minority leader of the House of Representatives.

The chair and vice-chair will be elected by the members of the interim study committee.

The appointments must be made by May 30, 2017.

Nonlegislative members will have a key role in the interim study committee. Their participation is needed because of their broad insight and expertise on data privacy issues, including how other states, countries, and organizations are addressing data privacy issues. Five nonlegislative members will be appointed by the Governor, as follows:

- two members from the institutions of higher education in the state with academic and/or professional expertise on issues related to data privacy;
- one member representing a nonprofit organization that is involved with issues related to data privacy;
- one member from an institution of higher education in the state with a department or program related to cybersecurity; and
- one member representing the Office of Information Technology created in Section 24-37.5-103, C.R.S.

Nonlegislative members of the committee will serve without compensation, but may receive reimbursement for actual travel expenses.

The Data Privacy Interim Study Committee shall submit its findings and recommendations to the General Assembly on or before January 10, 2018. The findings and recommendations, at a minimum, must include the following:

- with regard to the state agencies it reviewed, a factual summary of the state agency's policies and practices;
- the adequacy of Colorado's current laws and policies to protect data privacy (committee members are free to submit their individual views in addition to the committee view);
- whether legislation is needed to protect data privacy in Colorado state government databases; and
- whether the General Assembly should authorize the Data Privacy Interim Study Committee to continue its work in the interim period in 2018, and if so, the recommended areas for review.

Additional Information Related to the Interim Study Committee Request

The Data Privacy Interim Study Committee will, at a minimum, include the following steps in its review:

- The interim committee shall select at least three state agencies that collect personal identifying data as part of their program operations. The committee shall review how each of these agencies determines what data to obtain relative to its statutory obligations and how the agency is implementing Section 24-72-502, C.R.S. The committee hearing shall provide an opportunity for public testimony.
- The interim study committee shall also review the three state agency policies and practices regarding access to databases, particularly with regard to personally

identifiable information and appropriate mechanisms to protect personal data. The committee hearing shall provide an opportunity for public testimony.

Thank you for your consideration of this request.