

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 21-0513.01 Pierce Lively x2059

**HOUSE BILL 21-1111**

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**HOUSE SPONSORSHIP**

**McKean,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

State, Civic, Military and Veterans Affairs  
Finance

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE POSSESSION OF CERTAIN PERSONAL INFORMATION**  
102 **BY GOVERNMENTAL ENTITIES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill requires a governmental entity that maintains, owns, or licenses computerized data that includes certain personal information about any Colorado residents, or a governmental entity that uses a third-party service provider to maintain computerized data that includes certain personal information, to give notice to those Colorado residents every 90 days.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

The notice must give Colorado residents the option to either assent to the governmental entity possessing the Colorado resident's personal information or request that the governmental entity dispose of any paper or electronic documents containing the Colorado resident's personal identifying information.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-73-104 as  
3 follows:

4 **24-73-104. Notice requirement - definitions.** (1) AS USED IN  
5 THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

6 (a) "BIOMETRIC DATA" MEANS UNIQUE BIOMETRIC DATA  
7 GENERATED FROM MEASUREMENTS OR ANALYSIS OF HUMAN BODY  
8 CHARACTERISTICS FOR THE PURPOSE OF AUTHENTICATING THE INDIVIDUAL  
9 WHEN THE INDIVIDUAL ACCESSES AN ONLINE ACCOUNT.

10 (b) "GEOLOCATION INFORMATION" MEANS INFORMATION  
11 CONCERNING THE LOCATION OF AN ELECTRONIC DEVICE THAT:

12 (I) IS NOT THE CONTENTS OF A COMMUNICATION;

13 (II) IS GENERATED BY OR DERIVED FROM THE OPERATION OF AN  
14 ELECTRONIC DEVICE, INCLUDING, BUT NOT LIMITED TO, A SMART PHONE,  
15 TABLET, OR LAPTOP COMPUTER; AND

16 (III) IS SUFFICIENT TO DETERMINE OR INFER THE PRECISE LOCATION  
17 OF THAT DEVICE.

18 (c) "GOVERNMENTAL ENTITY" MEANS THE STATE AND ANY STATE  
19 AGENCY OR INSTITUTION, INCLUDING THE JUDICIAL DEPARTMENT,  
20 COUNTY, CITY AND COUNTY, INCORPORATED CITY OR TOWN, SCHOOL  
21 DISTRICT, SPECIAL IMPROVEMENT DISTRICT, AUTHORITY, AND EVERY  
22 OTHER KIND OF DISTRICT, INSTRUMENTALITY, OR POLITICAL SUBDIVISION  
23 OF THE STATE ORGANIZED PURSUANT TO LAW. "GOVERNMENTAL ENTITY"

1 INCLUDES ENTITIES GOVERNED BY HOME RULE CHARTERS.  
2 "GOVERNMENTAL ENTITY" DOES NOT INCLUDE AN ENTITY ACTING AS A  
3 THIRD-PARTY SERVICE PROVIDER AS DEFINED IN SUBSECTION (1)(g) OF  
4 THIS SECTION.

5 (d) "MEDICAL INFORMATION" MEANS ANY INFORMATION ABOUT A  
6 CONSUMER'S MEDICAL OR MENTAL HEALTH TREATMENT OR DIAGNOSIS BY  
7 A HEALTH CARE PROFESSIONAL.

8 (e) "NOTICE" MEANS:

9 (I) WRITTEN NOTICE TO THE POSTAL ADDRESS LISTED IN THE  
10 RECORDS OF THE GOVERNMENTAL ENTITY;

11 (II) TELEPHONIC NOTICE; OR

12 (III) ELECTRONIC NOTICE.

13 (f) (I) "PERSONAL INFORMATION" MEANS A COLORADO  
14 RESIDENT'S:

15 (A) MEDICAL INFORMATION, AS DEFINED IN SUBSECTION (1)(d) OF  
16 THIS SECTION, OR BIOMETRIC DATA, AS DEFINED IN SUBSECTION (1)(a) OF  
17 THIS SECTION;

18 (B) USERNAME OR E-MAIL ADDRESS, IN COMBINATION WITH A  
19 PASSWORD OR SECURITY QUESTIONS AND ANSWERS, THAT WOULD PERMIT  
20 ACCESS TO AN ONLINE ACCOUNT;

21 (C) ACCOUNT NUMBER OR CREDIT OR DEBIT CARD NUMBER IN  
22 COMBINATION WITH ANY REQUIRED SECURITY CODE, ACCESS CODE, OR  
23 PASSWORD THAT WOULD PERMIT ACCESS TO THAT ACCOUNT;

24 (D) INTERNET PROTOCOL ADDRESS; OR

25 (E) GEOLOCATION INFORMATION.

26 (II) "PERSONAL INFORMATION" DOES NOT INCLUDE PUBLICLY  
27 AVAILABLE INFORMATION THAT IS LAWFULLY MADE AVAILABLE TO THE

1 GENERAL PUBLIC FROM FEDERAL, STATE, OR LOCAL GOVERNMENT  
2 RECORDS OR WIDELY DISTRIBUTED MEDIA.

3 (g) "THIRD-PARTY SERVICE PROVIDER" MEANS AN ENTITY THAT  
4 HAS BEEN CONTRACTED TO MAINTAIN, STORE, OR PROCESS PERSONAL  
5 INFORMATION ON BEHALF OF A GOVERNMENTAL ENTITY.

6 (2) (a) A GOVERNMENTAL ENTITY THAT MAINTAINS, OWNS, OR  
7 LICENSES COMPUTERIZED DATA THAT INCLUDES PERSONAL INFORMATION  
8 ABOUT ANY COLORADO RESIDENT, OR A GOVERNMENTAL ENTITY THAT  
9 USES A THIRD-PARTY SERVICE PROVIDER TO MAINTAIN COMPUTERIZED  
10 DATA THAT INCLUDES PERSONAL INFORMATION ABOUT ANY COLORADO  
11 RESIDENT, SHALL NOTIFY SUCH COLORADO RESIDENTS EVERY NINETY  
12 DAYS.

13 (b) THE REQUIRED NOTICE MUST INCLUDE A DESCRIPTION OF THE  
14 PERSONAL INFORMATION INCLUDED IN THE COMPUTERIZED DATA THAT  
15 THE GOVERNMENTAL ENTITY EITHER MAINTAINS, OWNS, LICENSES, OR  
16 USES A THIRD-PARTY SERVICE PROVIDER TO MAINTAIN AND MUST ALSO  
17 INCLUDE AN OPTION FOR A COLORADO RESIDENT TO EITHER:

18 (I) ASSENT TO THE GOVERNMENTAL ENTITY MAINTAINING,  
19 OWNING, OR LICENSING COMPUTERIZED DATA THAT INCLUDES THE  
20 COLORADO RESIDENT'S PERSONAL INFORMATION OR THE GOVERNMENTAL  
21 ENTITY USING A THIRD-PARTY SERVICE PROVIDER THAT MAINTAINS  
22 COMPUTERIZED DATA THAT INCLUDES THE COLORADO RESIDENT'S  
23 PERSONAL INFORMATION; OR

24 (II) REQUEST THAT THE GOVERNMENTAL ENTITY, OR THE  
25 THIRD-PARTY SERVICE PROVIDER THAT MAINTAINS THE COMPUTERIZED  
26 DATA FOR THE GOVERNMENTAL ENTITY, DISPOSE OF ANY PAPER OR  
27 ELECTRONIC DOCUMENTS CONTAINING THE COLORADO RESIDENT'S

1 PERSONAL IDENTIFYING INFORMATION.

2 (c) IF A COLORADO RESIDENT REQUESTS THAT A GOVERNMENTAL  
3 ENTITY, OR THE THIRD-PARTY SERVICE PROVIDER THAT MAINTAINS THE  
4 COMPUTERIZED DATA FOR THE GOVERNMENTAL ENTITY, DISPOSE OF ANY  
5 PAPER OR ELECTRONIC DOCUMENTS CONTAINING THE COLORADO  
6 RESIDENT'S PERSONAL IDENTIFYING INFORMATION, THE GOVERNMENTAL  
7 ENTITY, OR THE THIRD-PARTY SERVICE PROVIDER THAT MAINTAINS THE  
8 COMPUTERIZED DATA FOR THE GOVERNMENTAL ENTITY, SHALL DISPOSE OF  
9 THESE DOCUMENTS WITHOUT UNREASONABLE DELAY AND NOT LATER  
10 THAN THIRTY DAYS AFTER THE RECEIPT OF THE REQUEST FROM THE  
11 COLORADO RESIDENT.

12 (d) A GOVERNMENTAL ENTITY THAT IS REQUIRED TO PROVIDE  
13 NOTICE PURSUANT TO THIS SUBSECTION (2) IS PROHIBITED FROM CHARGING  
14 THE COST OF PROVIDING SUCH NOTICE TO INDIVIDUALS.

15 (e) NOTICE REQUIRED BY THIS SECTION MAY BE DELAYED IF A LAW  
16 ENFORCEMENT AGENCY DETERMINES THAT THE NOTICE WILL IMPEDE A  
17 CRIMINAL INVESTIGATION AND THE LAW ENFORCEMENT AGENCY HAS  
18 NOTIFIED THE GOVERNMENTAL ENTITY NOT TO SEND NOTICE REQUIRED BY  
19 THIS SECTION. NOTICE REQUIRED BY THIS SECTION MUST BE MADE IN GOOD  
20 FAITH WITHOUT UNREASONABLE DELAY AND NOT LATER THAN THIRTY  
21 DAYS AFTER THE LAW ENFORCEMENT AGENCY DETERMINES THAT  
22 NOTIFICATION WILL NO LONGER IMPEDE THE INVESTIGATION, AND HAS  
23 NOTIFIED THE GOVERNMENTAL ENTITY THAT IT IS APPROPRIATE TO SEND  
24 THE NOTICE REQUIRED BY THIS SECTION.

25 (f) A WAIVER OF THESE NOTIFICATION RIGHTS OR RESPONSIBILITIES  
26 IS VOID AS AGAINST PUBLIC POLICY.

27 **SECTION 2. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the  
2 ninety-day period after final adjournment of the general assembly; except  
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
4 of the state constitution against this act or an item, section, or part of this  
5 act within such period, then the act, item, section, or part will not take  
6 effect unless approved by the people at the general election to be held in  
7 November 2022 and, in such case, will take effect on the date of the  
8 official declaration of the vote thereon by the governor.