

New Utah requirements for the use of drones August 2024

Nora Kurzova
Assistant State Privacy Officer



This document is for educational purposes only, it is **not** legal advice.

Selected beneficial use cases for drones

- Search & rescue
- Protection of peace officers
- Delivery of critical supplies
- Force multiplication/ overwatch
- Suspect following/ finding
- Environmental monitoring
- Agriculture assistance
- Infrastructure inspections
- Traffic management
- Disaster response & damage assessment



Risks of Using Drones Inappropriately

- Privacy violations
- Security violations
- Risk of collisions and accidents
- Diminishing public trust
- Increasing legal exposure for governmental entities



SB 135 main
requirements around
the use of drones by
public entities

Utah Code:
Chapter 10
Aeronautics Act,
Part 12

Public entity cannot use a drone that was assembled or manufactured by a “**Covered Foreign Entity**” for “inspection of critical infrastructure.”

“Covered Foreign Entity” is an individual, foreign government or a party:

- (a) on the Consolidated Screening List or Entity List as designated by the United States Secretary of Commerce;
- (b) domiciled in the People's Republic of China or the Russian Federation;
- (c) under the influence or control of the government of the People's Republic of China or the Russian Federation; or
- (d) that is a subsidiary or affiliate of an individual, government, or party described here.

Consolidated Screening list search engine:

<https://www.trade.gov/data-visualization/csl-search>



Exceptions to using drones for inspection of critical infrastructure

Public entity can use the drone (regardless of origin) **IF** the following conditions are met:

1. Drone not connected to the internet **when performing** a critical infrastructure inspection **AND**
2. Data from the inspection **removed from the** drone before connecting it to the internet **AND**
3. Only **NDAA-authorized** or **US-developed software** is used for video broadcasting over the internet (outside of the inspection.)

Critical Infrastructure: Section 76-6-106.3 of the Utah Code



Tips on how to remove data from a drone.

- **Use Secure Erasure Software:** Overwrite SD card data multiple times to prevent recovery.
- **Manual Formatting:** Perform a full format of the SD card before connecting to the internet.
- **Verify Erasure:** Check the SD card with recovery software to ensure no data remains.
- **Disable Auto-Upload:** Turn off automatic upload features to avoid accidental data transmission.
- **Regularly Update Firmware:** Keep firmware updated for the latest security measures.



Takeaways

- Review your drone fleet
- Ensure you have the capability to remove data securely
- Train respective personnel

- Email us with questions or concerns: nkurzova@utah.gov

Thank you!