

SENATE BILL 880

P3

3lr2888

By: **Senator Getty**

Introduced and read first time: February 8, 2013

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Public Information Act – Electronic Mail Address – Database and Disclosure**

3 FOR the purpose of authorizing a unit or an instrumentality of the State or of a
4 political subdivision to maintain certain electronic mail addresses in a certain
5 database; specifying that the database is confidential and not a public record;
6 prohibiting the database from being disclosed in its entirety except under
7 certain circumstances; establishing the circumstances under which a unit or an
8 instrumentality is required and is authorized to disclose the database in its
9 entirety; providing that an individual electronic mail address maintained in a
10 database may be disclosed under certain circumstances; providing for the
11 construction of this Act; and generally relating to the treatment of electronic
12 mail addresses under the Public Information Act.

13 BY adding to

14 Article – State Government

15 Section 10–624.1

16 Annotated Code of Maryland

17 (2009 Replacement Volume and 2012 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – State Government**

21 **10–624.1.**

22 **(A) THIS SECTION MAY NOT BE CONSTRUED TO ALTER, LIMIT, OR**
23 **OTHERWISE AFFECT ANY OTHER LAW THAT PROVIDES MORE STRINGENT**
24 **PROTECTIONS FOR THE CONFIDENTIALITY OF ELECTRONIC MAIL ADDRESSES**
25 **OF INDIVIDUALS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) (1) IF AN INDIVIDUAL PROVIDES THE ELECTRONIC MAIL**
2 **ADDRESS OF THE INDIVIDUAL TO A UNIT OR AN INSTRUMENTALITY OF THE**
3 **STATE OR OF A POLITICAL SUBDIVISION FOR THE PURPOSE OF OR IN THE**
4 **COURSE OF COMMUNICATING WITH THE UNIT OR INSTRUMENTALITY, THE UNIT**
5 **OR INSTRUMENTALITY MAY MAINTAIN THE ELECTRONIC MAIL ADDRESS IN A**
6 **DATABASE.**

7 **(2) THE DATABASE IN WHICH A UNIT OR AN INSTRUMENTALITY**
8 **OF THE STATE OR OF A POLITICAL SUBDIVISION MAINTAINS ELECTRONIC MAIL**
9 **ADDRESSES UNDER PARAGRAPH (1) OF THIS SUBSECTION:**

10 **(I) IS CONFIDENTIAL;**

11 **(II) IS NOT A PUBLIC RECORD; AND**

12 **(III) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS**
13 **SECTION, MAY NOT BE DISCLOSED IN ITS ENTIRETY.**

14 **(C) A UNIT OR AN INSTRUMENTALITY OF THE STATE OR OF A POLITICAL**
15 **SUBDIVISION THAT MAINTAINS ELECTRONIC MAIL ADDRESSES IN A DATABASE**
16 **UNDER SUBSECTION (B) OF THIS SECTION:**

17 **(1) SHALL DISCLOSE THE DATABASE IN ITS ENTIRETY IN**
18 **RESPONSE TO AN ORDER ISSUED BY A COURT OF COMPETENT JURISDICTION;**
19 **AND**

20 **(2) MAY DISCLOSE THE DATABASE IN ITS ENTIRETY ON A FINDING**
21 **BY THE UNIT OR INSTRUMENTALITY THAT THE DISCLOSURE OF THE DATABASE**
22 **IS NECESSARY TO PROTECT THE PUBLIC SAFETY OR TO ASSIST IN THE**
23 **INVESTIGATION OR PROSECUTION OF A CRIME.**

24 **(D) AN INDIVIDUAL ELECTRONIC MAIL ADDRESS THAT IS MAINTAINED**
25 **IN A DATABASE UNDER SUBSECTION (B) OF THIS SECTION MAY BE DISCLOSED**
26 **INDIVIDUALLY IF THE INDIVIDUAL PROVIDED THE ELECTRONIC MAIL ADDRESS**
27 **TO THE UNIT OR INSTRUMENTALITY OF THE STATE OR OF A POLITICAL**
28 **SUBDIVISION:**

29 **(1) IN THE COURSE OF AN EXISTING BUSINESS OR CONTRACTUAL**
30 **RELATIONSHIP WITH THE UNIT OR INSTRUMENTALITY; OR**

31 **(2) IN THE COURSE OF SEEKING TO ESTABLISH A BUSINESS OR**
32 **CONTRACTUAL RELATIONSHIP WITH THE UNIT OR INSTRUMENTALITY,**

1 INCLUDING IN RESPONSE TO A REQUEST FOR PROPOSALS OR AN INVITATION TO
2 BID FROM THE UNIT OR INSTRUMENTALITY.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2013.