

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 676

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “a resident’s” and substitute “an individual’s”; in lines 4, 5 and 6, 7, and 10, in each instance, strike “or private”; in line 4, strike “resident” and substitute “individual”; in lines 7 and 10, in each instance, strike “a resident” and substitute “an individual”; in line 11, strike “and” and substitute “; requiring, except under certain circumstances, a unit or, under certain circumstances, a nonaffiliated third party to”; strike beginning with “establishing” in line 25 down through “regulations;” in line 28 and substitute “providing that a unit or nonaffiliated third party that complies with certain provisions of federal law is deemed to be in compliance with this Act;”; in line 29, strike “applicability” and substitute “application”; in the same line, strike “a certain provision of”; in the same line, after “Act;” insert “providing for a delayed effective date;”.

On page 2, in line 5, strike “10-1309” and substitute “10-1308”.

AMENDMENT NO. 2

On page 2, in line 16, strike “**ENCRYPTED**” and substitute “**ENCRYPTION**”; in line 17, after “**TRANSIT**” insert a comma; in the same line, strike “**AN ENCRYPTION**” and substitute “**A**”; strike beginning with “**HAS**” in line 18 down through “**INCLUDING**” in line 19 and substitute “**;**”

(1) IS CERTIFIED TO MEET OR EXCEED THE LEVEL THAT HAS BEEN ADOPTED BY;

in line 21, strike “, **WHICH**” and substitute “**;** **AND**”

(2)”;

(Over)

and in line 24, strike “(1)”.

On pages 2 and 3, strike beginning with “ANY” in line 24 on page 2 down through “ACT” in line 3 on page 3 and substitute “AN INDIVIDUAL’S FIRST NAME OR FIRST INITIAL AND LAST NAME, PERSONAL MARK, OR UNIQUE BIOMETRIC OR GENETIC PRINT OR IMAGE, IN COMBINATION WITH ONE OR MORE OF THE FOLLOWING DATA ELEMENTS:”

(1) A SOCIAL SECURITY NUMBER;

(2) A DRIVER’S LICENSE NUMBER, STATE IDENTIFICATION CARD NUMBER, OR OTHER INDIVIDUAL IDENTIFICATION NUMBER ISSUED BY A UNIT;

(3) A PASSPORT NUMBER OR OTHER IDENTIFICATION NUMBER ISSUED BY THE UNITED STATES GOVERNMENT;

(4) AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER; OR

(5) A FINANCIAL OR OTHER ACCOUNT NUMBER, A CREDIT CARD NUMBER, OR A DEBIT CARD NUMBER THAT, IN COMBINATION WITH ANY REQUIRED SECURITY CODE, ACCESS CODE, OR PASSWORD, WOULD PERMIT ACCESS TO AN INDIVIDUAL’S ACCOUNT”.

On page 3, strike in their entirety lines 4 through 14, inclusive; and in line 15, strike “(E)” and substitute “(D)”.

On pages 3 and 4, strike beginning with “THAT” in line 17 on page 3 down through “BUSINESS” in line 7 on page 4.

AMENDMENT NO. 3

On page 4, in lines 8 and 15, strike “(F)” and “(H)”, respectively, and substitute “(E)” and “(F)”, respectively; strike in their entirety lines 11 through 14, inclusive; in line 16, strike “, LEGISLATIVE, OR JUDICIAL”; in line 17, strike the second “AN” and substitute “A PUBLIC”; in the same line, after “INSTITUTION” insert “OF HIGHER EDUCATION”; in line 19, after “BI-COUNTY” insert “, REGIONAL, OR MULTICOUNTY”; in line 20, after “PUBLIC” insert “CORPORATION OR”; after line 21, insert:

“10-1302.

(A) THIS SUBTITLE DOES NOT APPLY TO PERSONAL INFORMATION THAT:

(1) IS PUBLICLY AVAILABLE INFORMATION THAT IS LAWFULLY MADE AVAILABLE TO THE GENERAL PUBLIC FROM FEDERAL, STATE, OR LOCAL GOVERNMENT RECORDS;

(2) AN INDIVIDUAL HAS CONSENTED TO HAVE PUBLICLY DISSEMINATED OR LISTED;

(3) EXCEPT FOR A MEDICAL RECORD THAT A PERSON IS PROHIBITED FROM REDISCLOSING UNDER § 4-302(D) OF THE HEALTH - GENERAL ARTICLE, IS DISCLOSED IN ACCORDANCE WITH THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT; OR

(4) IS DISCLOSED IN ACCORDANCE WITH THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT.

(Over)

(B) THIS SUBTITLE DOES NOT APPLY TO THE LEGISLATIVE OR JUDICIAL BRANCH OF STATE GOVERNMENT.;

in line 22, strike “**10-1302.**” and substitute “**10-1303.**”; and in line 28, strike “**AND SIZE**”.

On page 4 in line 23, on page 5 in lines 5 and 13, on page 6 in line 6, on page 8 in line 9, and on page 9 in line 1, in each instance, strike “**A RESIDENT**” and substitute “**AN INDIVIDUAL**”.

On page 4 in lines 24 and 26, on page 5 in lines 7, 13, 18, 21, and 28 and 29, on page 6 in lines 1 and 14, on page 8 in line 20, on page 9 in line 16, and on page 10 in line 5, in each instance, strike “**OR PRIVATE**”.

On page 4 in line 24, on page 6 in line 16, on page 7 in lines 23, 24, and 29, on page 8 in line 11, and on page 9 in line 2, in each instance, strike “**RESIDENT**” and substitute “**INDIVIDUAL**”.

On page 5 in line 3, and on page 6 in lines 6, 9, and 28, in each instance, strike “**PRIVATE**” and substitute “**PERSONAL**”.

On page 5, in lines 2 and 23, strike “**10-1303.**” and “**10-1304.**”, respectively, and substitute “**10-1304.**” and “**10-1305.**”, respectively; in line 8, strike “**AND SIZE**”; in line 9, after “**CONTRACT**” insert “**OR AGREEMENT**”; in line 10, strike “**JANUARY**” and substitute “**JULY**”; in line 14, in each instance, after “**CONTRACT**” insert “**OR AGREEMENT**”; in the same line, after “**BY**” insert “**WRITTEN**”; strike beginning with the first “**THE**” in line 24 down through “**BREACH**” in line 26 and substitute “**BREACH**”; and in line 30, strike “**(II)**” and substitute “**(2)**”.

On page 6 in line 27, and on page 7 in line 1, in each instance, after “A” insert “NONAFFILIATED THIRD”.

AMENDMENT NO. 4

On page 6, strike in their entirety lines 3 and 4; strike beginning with “RESIDENT” in line 10 down through “FRAUD” in line 11 and substitute “INDIVIDUAL HAS RESULTED IN OR IS LIKELY TO RESULT IN THE MISUSE OF THE INFORMATION”; in line 12, strike “IF” and substitute “(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF”; in line 13, strike “THE UNAUTHORIZED ACQUISITION” and substitute “MISUSE”; in the same line, strike “RESIDENT’S” and substitute “INDIVIDUAL’S”; in lines 14 and 30, in each instance, strike “CREATED” and substitute “OCCURRED”; in lines 14 and 31, in each instance, strike “REASONABLY”; in lines 15 and 31, in each instance, strike “CREATE A MATERIAL RISK OF IDENTITY FRAUD” and substitute “OCCUR”; in line 15, after “UNIT” insert “OR THE NONAFFILIATED THIRD PARTY, IF AUTHORIZED UNDER A WRITTEN CONTRACT OR AGREEMENT WITH THE UNIT,”; after line 16, insert:

“(II) UNLESS THE UNIT OR NONAFFILIATED THIRD PARTY KNOWS THAT THE ENCRYPTION KEY HAS BEEN BROKEN, A UNIT OR THE NONAFFILIATED THIRD PARTY IS NOT REQUIRED TO NOTIFY AN INDIVIDUAL UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IF:

1. THE PERSONAL INFORMATION OF THE INDIVIDUAL WAS SECURED BY ENCRYPTION OR REDACTED; AND

2. THE ENCRYPTION KEY HAS NOT BEEN COMPROMISED OR DISCLOSED.”;

strike beginning with the comma in line 19 down through “DAYS” in line 20; in line 30, strike “RESIDENT’S PRIVATE” and substitute “INDIVIDUAL’S PERSONAL”; strike

(Over)

beginning with the comma in line 34 down through “**DAYS**” in line 35; and in line 35, strike “**UNIT**” and substitute “**NONAFFILIATED THIRD PARTY**”.

On page 7, in line 14, strike “, **BUT NOT LATER THAN 45 DAYS**”; in line 4, strike “**SUBSECTIONS**” and substitute “**SUBSECTION**”; and in lines 4 and 5, strike “**AND (C)**”.

On page 8, in line 14, strike “**STATEWIDE**” and substitute “**APPROPRIATE**”.

On page 9, strike beginning with “**AND**” in line 5 down through “**SECTION**” in line 6; in line 9, strike “**§ 10-1301(H)(1)**” and substitute “**§ 10-1301(F)(1)**”; in lines 18 and 21, strike “**10-1305.**” and “**10-1306.**”, respectively, and substitute “**10-1306.**” and “**10-1307.**”, respectively; in line 22, strike “**§ 10-1304**” and substitute “**§ 10-1305**”; and in line 31, strike “**10-1307.**” and substitute “**10-1308.**”.

AMENDMENT NO. 5

On page 10, strike beginning with “**(A)**” in line 1 down through “**AFFILIATE**” in line 10 and substitute “**A UNIT OR NONAFFILIATED THIRD PARTY**”; in line 12, after “**ACCURATE**” insert “**CREDIT**”; and strike in their entirety lines 19 through 34, inclusive.

On page 11, in line 2, strike “October 1, 2013” and substitute “**July 1, 2014**”.