

HOUSE BILL 878

P1

4lr2561
CF SB 899

By: ~~Delegate Bartlett~~ Delegates Bartlett, Bhandari, S. Johnson, R. Lewis, and
Pena-Melnyk

Introduced and read first time: February 2, 2024

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2024

CHAPTER _____

1 AN ACT concerning

2 ~~Constitutional Officers~~ Public Officials – Public Disclosure of Personal
3 Information

4 FOR the purpose of requiring a custodian to deny inspection of the part of a public record
5 that contains certain personal information except under certain circumstances;
6 authorizing a certain ~~constitutional officer~~ public official or certain immediate family
7 member of a ~~constitutional officer~~ public official to request that certain disclosed
8 personal information be removed and that a certain person refrain from future
9 disclosures; requiring a person to comply with a certain request within a certain
10 period of time and prohibiting the person from making a disclosure by other means;
11 authorizing a ~~constitutional officer~~ public official or an immediate family member of
12 a ~~constitutional officer~~ public official to bring an action for damages under certain
13 circumstances; and generally relating to ~~constitutional officers~~ public officials and
14 disclosure of personal information.

15 BY adding to

16 Article – State Government

17 New subtitle designation “Subtitle 1. Definitions” to immediately precede Section
18 1–101; and Section 1–201 to be under the new subtitle “Subtitle 2. General
19 Provisions” and the amended title “Title 1. Definitions; General Provisions”

20 Annotated Code of Maryland

21 (2021 Replacement Volume and 2023 Supplement)

22 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – General Provisions
 2 Section 4–331.1
 3 Annotated Code of Maryland
 4 (2019 Replacement Volume and 2023 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 6 That the new subtitle designation “Subtitle 1. Definitions” be added to immediately precede
 7 Section 1–101 of Article – State Government of the Annotated Code of Maryland.

8 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 9 as follows:

10 **Article – General Provisions**

11 **4–331.1.**

12 ~~(A) IN THIS SECTION, “CONSTITUTIONAL OFFICER” HAS THE MEANING~~

13 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 14 INDICATED.

15 (2) “CONSTITUTIONAL OFFICER” HAS THE MEANING STATED IN §
 16 1–201 OF THE STATE GOVERNMENT ARTICLE.

17 (3) “PUBLIC OFFICIAL” MEANS:

18 (I) A CONSTITUTIONAL OFFICER;

19 (II) A MEMBER OF THE SENATE OF MARYLAND; OR

20 (III) A MEMBER OF THE HOUSE OF DELEGATES.

21 (B) A CUSTODIAN SHALL DENY INSPECTION OF THE PART OF A PUBLIC
 22 RECORD THAT CONTAINS THE HOME ADDRESS OR PERSONAL TELEPHONE NUMBER
 23 OF A ~~CONSTITUTIONAL OFFICER UNLESS THE CONSTITUTIONAL OFFICER~~ PUBLIC
 24 OFFICIAL UNLESS THE PUBLIC OFFICIAL CONSENTS TO THE INSPECTION.

25 **Article – State Government**

26 Title 1. Definitions; **GENERAL PROVISIONS.**

27 **SUBTITLE 2. GENERAL PROVISIONS.**

28 **1–201.**

1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (2) "CONSTITUTIONAL OFFICER" MEANS THE CURRENT OR A
4 FORMER:

5 (I) GOVERNOR OR LIEUTENANT GOVERNOR;

6 (II) ATTORNEY GENERAL;

7 (III) COMPTROLLER; OR

8 (IV) STATE TREASURER.

9 (3) "DISCLOSED" MEANS:

10 (I) POSTED PUBLICLY ON THE INTERNET; OR

11 (II) MADE PUBLICLY AVAILABLE THROUGH ANY OTHER MEANS
12 OF PUBLICATION OR POSTING.

13 (4) "IMMEDIATE FAMILY MEMBER" MEANS A PARENT, SPOUSE, OR
14 CHILD.

15 (5) (I) "PERSONAL INFORMATION" MEANS A HOME ADDRESS OR
16 PERSONAL TELEPHONE NUMBER.

17 (II) "PERSONAL INFORMATION" DOES NOT INCLUDE:

18 1. INFORMATION THAT HAS BEEN PUBLICLY DISCLOSED
19 WITH THE CONSENT OF THE PERSON THAT IS THE SUBJECT OF THE INFORMATION;
20 OR

21 2. INFORMATION THAT IS RELEVANT TO AND DISPLAYED
22 AS PART OF A NEWS STORY, COMMENTARY, EDITORIAL, OR ANY OTHER SPEECH ON
23 MATTERS OF PUBLIC CONCERN.

24 (6) "PUBLIC OFFICIAL" MEANS:

25 (I) A CONSTITUTIONAL OFFICER;

26 (II) A MEMBER OF THE SENATE OF MARYLAND; OR

27 (III) A MEMBER OF THE HOUSE OF DELEGATES.

1 (B) (1) ~~A CONSTITUTIONAL OFFICER~~ PUBLIC OFFICIAL OR AN IMMEDIATE
2 FAMILY MEMBER OF A ~~CONSTITUTIONAL OFFICER~~ PUBLIC OFFICIAL WHOSE
3 PERSONAL INFORMATION HAS BEEN DISCLOSED MAY REQUEST ~~IN WRITING~~ THAT
4 THE PERSON WHO DISCLOSED THE PERSONAL INFORMATION:

5 (I) REMOVE THE PERSONAL INFORMATION FROM THE FORUM
6 ON WHICH IT WAS DISCLOSED; AND

7 (II) REFRAIN FROM ANY FUTURE DISCLOSURE OF PERSONAL
8 INFORMATION OF THE ~~CONSTITUTIONAL OFFICER~~ PUBLIC OFFICIAL OR IMMEDIATE
9 FAMILY MEMBER OF THE ~~CONSTITUTIONAL OFFICER~~ PUBLIC OFFICIAL.

10 (2) A REQUEST MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION
11 SHALL:

12 (I) BE IN WRITING;

13 (II) BE SENT BY CERTIFIED MAIL, E-MAIL, OR DIRECT
14 ELECTRONIC COMMUNICATION AVAILABLE THROUGH THE MEDIUM ON WHICH THE
15 PERSONAL INFORMATION WAS POSTED;

16 (III) PROVIDE SUFFICIENT INFORMATION TO CONFIRM THAT
17 THE REQUESTER IS A PUBLIC OFFICIAL OR IMMEDIATE FAMILY MEMBER OF A
18 PUBLIC OFFICIAL; AND

19 (IV) SPECIFICALLY IDENTIFY THE DOCUMENT, POSTING, OR
20 OTHER PUBLICATION CONTAINING THE PERSONAL INFORMATION.

21 ~~(2)~~ (3) A REQUEST MADE UNDER PARAGRAPH (1) OF THIS
22 SUBSECTION MAY BE MADE ON BEHALF OF A MINOR BY A PARENT OR GUARDIAN OF
23 THE MINOR.

24 (C) ON RECEIPT OF A ~~WRITTEN~~ REQUEST UNDER SUBSECTION (B) OF THIS
25 SECTION, THE PERSON WHO MADE THE DISCLOSURE:

26 (1) SHALL REMOVE THE PERSONAL INFORMATION WITHIN 72 HOURS
27 OF RECEIVING THE WRITTEN REQUEST; AND

28 (2) MAY NOT DISCLOSE THE PERSONAL INFORMATION OF THE
29 ~~CONSTITUTIONAL OFFICER~~ PUBLIC OFFICIAL OR THE IMMEDIATE FAMILY MEMBER
30 OF THE ~~CONSTITUTIONAL OFFICER~~ PUBLIC OFFICIAL BY ANY OTHER MEANS.

31 (D) A ~~CONSTITUTIONAL OFFICER~~ PUBLIC OFFICIAL OR AN IMMEDIATE
32 FAMILY MEMBER OF A ~~CONSTITUTIONAL OFFICER~~ PUBLIC OFFICIAL WHO IS

1 INJURED BY A VIOLATION OF THIS SECTION MAY BRING AN ACTION FOR DAMAGES
2 AGAINST THE PERSON WHO COMMITTED THE VIOLATION.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.