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By: **Delegates Bobo, Bronrott, Dobson, Doory, Dypski, Grosfeld, Healey,  
Mandel, Paige, Pitkin, and Swain**

Introduced and read first time: February 9, 2001

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Public Institutions of Higher Education - Prohibition Against Disclosure of**  
3 **Student Information for Commercial Purposes**

4 FOR the purpose of prohibiting public institutions of higher education from  
5 intentionally disclosing personally identifiable information of students and  
6 former students for commercial purposes including market surveys,  
7 solicitations, or telephone solicitations without written consent of student or  
8 legal guardian; providing for criminal penalties; defining a certain term; and  
9 generally relating to a prohibition against the disclosure by public institutions of  
10 higher education of student information for commercial use.

11 BY adding to

12 Article - Education

13 Section 15-111

14 Annotated Code of Maryland

15 (1999 Replacement Volume and 2000 Supplement)

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

18 **Article - Education**

19 15-111.

20 (A) IN THIS SECTION, "PERSONALLY IDENTIFIABLE INFORMATION" INCLUDES  
21 NAME, ADDRESS, TELEPHONE NUMBER, OR ELECTRONIC MAIL ADDRESS.

22 (B) A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY NOT INTENTIONALLY  
23 SELL, DISTRIBUTE, OR DISCLOSE PERSONALLY IDENTIFIABLE INFORMATION OF  
24 STUDENTS AND FORMER STUDENTS FOR COMMERCIAL USE INCLUDING USE IN  
25 MARKET SURVEYS, SOLICITATIONS, OR TELEPHONE SOLICITATIONS WITHOUT  
26 WRITTEN CONSENT FROM THE STUDENT, OR IF THE STUDENT IS UNDER 18 YEARS OF  
27 AGE, THE STUDENT'S PARENT OR LEGAL GUARDIAN.

1 (C) (1) THIS SECTION DOES NOT PREVENT A PUBLIC INSTITUTION OF  
2 HIGHER EDUCATION FROM FURNISHING PERSONALLY IDENTIFIABLE INFORMATION:

3 (I) TO ANOTHER GOVERNMENTAL AGENCY FOR THEIR OFFICIAL  
4 USE; OR

5 (II) FOR ANOTHER PURPOSE PERMISSIBLE UNDER LAW.

6 (2) ANY ENTITY THAT RECEIVES PERSONALLY IDENTIFIABLE  
7 INFORMATION PURSUANT TO THIS SUBSECTION IS PROHIBITED FROM  
8 REDISCLOSING THAT INFORMATION.

9 (3) ANY DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION  
10 PURSUANT TO THIS SUBSECTION MUST INCLUDE A WRITTEN NOTICE THAT  
11 REDISCLOSURE IS PROHIBITED.

12 (D) ANY PERSON WHO USES PERSONALLY IDENTIFIABLE INFORMATION THAT  
13 WAS OBTAINED IN VIOLATION OF THIS SECTION SHALL BE GUILTY OF A  
14 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$2,500  
15 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2001.