
By: **Delegate Bobo**
Introduced and read first time: February 8, 2002
Assigned to: Appropriations

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 certain commercial purposes without the prior written
7 consent of the student or the student's parent or legal guardian; providing for
8 criminal penalties; defining certain terms; and generally relating to a
9 prohibition against the disclosure by public institutions of higher education of
10 student information for commercial use.

11 BY adding to
12 Article - Education
13 Section 15-111
14 Annotated Code of Maryland
15 (2001 Replacement Volume)

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

22 (2) "COMMERCIAL USE" INCLUDES USE IN MARKET SURVEYS,
23 SOLICITATIONS, AND TELEPHONE SOLICITATIONS.

24 (3) "PERSONALLY IDENTIFIABLE INFORMATION" INCLUDES NAME,
25 ADDRESS, TELEPHONE NUMBER, OR ELECTRONIC MAIL ADDRESS.

26 (B) A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY NOT INTENTIONALLY
27 SELL, DISTRIBUTE, OR DISCLOSE PERSONALLY IDENTIFIABLE INFORMATION OF
28 STUDENTS AND FORMER STUDENTS FOR COMMERCIAL USE WITHOUT THE PRIOR

1 WRITTEN CONSENT OF THE STUDENT, OR IF THE STUDENT IS UNDER 18 YEARS OF
2 AGE, THE STUDENT'S PARENT OR LEGAL GUARDIAN.

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

5 (I) TO ANOTHER GOVERNMENTAL AGENCY FOR THE AGENCY'S
6 OFFICIAL USE; OR

7 (II) FOR ANOTHER PURPOSE PERMISSIBLE UNDER LAW.

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

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

14 (D) ANY PERSON WHO KNOWS OR SHOULD KNOW THAT PERSONALLY
15 IDENTIFIABLE INFORMATION WAS OBTAINED IN VIOLATION OF THIS SECTION WHO
16 PUTS THAT INFORMATION TO COMMERCIAL USE SHALL BE GUILTY OF A
17 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$2,500
18 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2002.