

HOUSE BILL 903

Unofficial Copy  
F2  
HB 819/01 - APP

2002 Regular Session  
2lr0972

---

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

---

Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 23, 2002

---

CHAPTER \_\_\_\_\_

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 certain students  
6 ~~and 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.

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

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

5 (B) A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY NOT INTENTIONALLY  
6 SELL, DISTRIBUTE, OR DISCLOSE PERSONALLY IDENTIFIABLE INFORMATION OF  
7 ~~STUDENTS AND FORMER~~ CURRENT UNDERGRADUATE STUDENTS FOR COMMERCIAL  
8 USE WITHOUT THE PRIOR WRITTEN CONSENT OF THE STUDENT, OR IF THE STUDENT  
9 IS UNDER 18 YEARS OF AGE, THE STUDENT'S PARENT OR LEGAL GUARDIAN.

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

12 (I) TO ANOTHER GOVERNMENTAL AGENCY FOR THE AGENCY'S  
13 OFFICIAL USE; OR

14 (II) FOR ANOTHER PURPOSE PERMISSIBLE UNDER LAW.

15 (2) ANY ENTITY THAT RECEIVES PERSONALLY IDENTIFIABLE  
16 INFORMATION PURSUANT TO THIS SUBSECTION IS PROHIBITED FROM  
17 REDISCLOSING THAT INFORMATION.

18 (3) ANY DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION  
19 PURSUANT TO THIS SUBSECTION MUST INCLUDE A WRITTEN NOTICE THAT  
20 REDISCLOSURE IS PROHIBITED.

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

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