Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

Senate Bill 528   (Senator Madaleno)

Judicial Proceedings

Marriage License Applications - Disclosure of a Social Security Number

This bill provides that a person who intentionally discloses a Social Security number that is included in the electronic file of a marriage application is guilty of a misdemeanor subject to a fine of up to $1,000.

Fiscal Summary

State Effect: Minimal general fund revenue increase from misdemeanor convictions under the bill's provisions. The requirements of this bill could be enforced with existing resources.

Local Effect: None. The requirements of this bill could be enforced with existing resources.

Small Business Effect: None.

Analysis

Current Law: Generally, to apply for a marriage license, one of the parties must provide specified identifying information about both parties to the clerk of the court, including the Social Security numbers of each person. In Cecil County, both parties must appear before the clerk of court to apply for a marriage license.

The Social Security numbers of the parties must be included in the electronic file for the marriage license file application, but may not be disclosed as part of the public record of the marriage license application, unless required by law. If the parties to be married are

not residents of the county where the marriage ceremony is to be performed, then the required information must be provided to the clerk of the court by sworn affidavit. Until a license becomes effective, a clerk may not disclose the existence of a marriage license application except to the parent or guardian of a party to be married.

A "personal record" is a public record that names, or with reasonable certainty, identifies an individual by an identifying factor such as an address, description, finger or voice print, number, or picture. A person, including an officer or employee of a governmental unit, is liable to an individual for the actual damages considered appropriate by the court if the court finds by clear and convincing evidence that: (1) the person willfully and knowingly permitted inspection or use of a public record in violation of State law and the public record names or otherwise identifies the individual by an identifying factor as discussed above; or (2) the person willfully and knowingly obtained, disclosed, or used personal information in violation of State law. If the court determines that the complainant has substantially prevailed, the court may assess against the defendant reasonable counsel fees and other litigation costs that the complainant reasonably incurred.

A person may not: (1) willfully and knowingly violate any provision governing access to public records; (2) fail to petition a court after temporarily denying inspection of a public record; or (3) by false pretenses, bribery, or theft, gain access to or obtain a copy of a personal record whose disclosure is prohibited to the person. A person who violates any of these provisions is guilty of a misdemeanor and is subject to a maximum fine of $1,000.

Background: The prospect of being victimized through the loss or theft of personal information held by government agencies or private data collection companies has captured national attention. The release of personal information on over 160,000 individuals by the ChoicePoint Corporation in 2005 highlighted this issue. Since the ChoicePoint breach, the Privacy Rights Clearinghouse has documented over 450 instances of security breaches involving the unauthorized exposure of at least 97 million records containing personal information, including Social Security numbers.

Additional Information

Prior Introductions: None.

Cross File: HB 646 (Delegate Dumais) – Judiciary.

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