

HOUSE BILL 213

P4

8lr0195

By: **Chair, Health and Government Operations Committee (By Request -
Departmental - Budget and Management)**

Introduced and read first time: January 23, 2008

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: February 20, 2008

CHAPTER _____

1 AN ACT concerning

2 **Personal Records - Collection of Personal Information**

3 FOR the purpose of altering a certain requirement that the Secretary of Budget and
4 Management report annually to the General Assembly on certain personal
5 records; and generally relating to a certain reporting requirement regarding the
6 collection of certain personal information by units of State government.

7 BY repealing and reenacting, without amendments,
8 Article - State Government
9 Section 10-624(a) and (b)
10 Annotated Code of Maryland
11 (2004 Replacement Volume and 2007 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - State Government
14 Section 10-624(c)
15 Annotated Code of Maryland
16 (2004 Replacement Volume and 2007 Supplement)

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

19 **Article - State Government**

20 10-624.

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 (a) In this section, “personal record” means a public record that names or,
2 with reasonable certainty, otherwise identifies an individual by an identifying factor
3 such as:

- 4 (1) an address;
- 5 (2) a description;
- 6 (3) a finger or voice print;
- 7 (4) a number; or
- 8 (5) a picture.

9 (b) (1) Personal records may not be created unless the need for the
10 information has been clearly established by the unit collecting the records.

11 (2) Personal information collected for personal records:

- 12 (i) shall be appropriate and relevant to the purposes for which
13 it is collected;
- 14 (ii) shall be accurate and current to the greatest extent
15 practicable; and
- 16 (iii) may not be obtained by fraudulent means.

17 (c) (1) This subsection only applies to units of State government.

18 (2) Except as otherwise provided by law, an official custodian who
19 keeps personal records shall, to the greatest extent practicable, collect personal
20 information from the person in interest.

21 (3) An official custodian who requests personal information for
22 personal records shall provide the following information to each person in interest
23 from whom personal information is collected:

- 24 (i) the purpose for which the personal information is collected;
- 25 (ii) any specific consequences to the person for refusal to provide
26 the personal information;
- 27 (iii) the person’s right to inspect, amend, or correct personal
28 records, if any;
- 29 (iv) whether the personal information is generally available for
30 public inspection; and

1 (v) whether the personal information is made available or
2 transferred to or shared with any entity other than the official custodian.

3 (4) Each unit of State government shall post its privacy policies with
4 regard to the collection of personal information, including the policies specified in this
5 subsection, on its Internet website.

6 (5) The following personal records shall be exempt from the
7 requirements of this subsection:

8 (i) information pertaining to the enforcement of criminal laws
9 or the administration of the penal system;

10 (ii) information contained in investigative materials kept for the
11 purpose of investigating a specific violation of State law and maintained by a State
12 agency whose principal function may be other than law enforcement;

13 (iii) information contained in public records which are accepted
14 by the State Archivist for deposit in the Maryland Hall of Records;

15 (iv) information gathered as part of formal research projects
16 previously reviewed and approved by federally mandated institutional review boards;
17 and

18 (v) any other personal records exempted by regulations adopted
19 by the Secretary of Budget and Management, based on the recommendation of the
20 Chief of Information Technology.

21 (6) [In accordance with § 2-1246 of this article, the Secretary of
22 Budget and Management shall report on October 1 of each year to the General
23 Assembly on the personal records exempted by regulations under paragraph (5)(v) of
24 this subsection] **IF THE SECRETARY OF BUDGET AND MANAGEMENT ADOPTS
25 REGULATIONS UNDER PARAGRAPH (5)(V) OF THIS SUBSECTION, THE
26 SECRETARY SHALL, IN ACCORDANCE WITH § 2-1246 OF THIS ARTICLE, REPORT
27 TO THE GENERAL ASSEMBLY ON THE PERSONAL RECORDS EXEMPTED FROM
28 THE REQUIREMENTS OF THIS SUBSECTION.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2008.