

CHAPTER 490

(House Bill 213)

AN ACT concerning

Personal Records – Collection of Personal Information

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

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

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–624(c)
Annotated Code of Maryland
(2004 Replacement Volume and 2007 Supplement)

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

Article – State Government

10–624.

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

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

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

(2) Personal information collected for personal records:

(i) shall be appropriate and relevant to the purposes for which it is collected;

(ii) shall be accurate and current to the greatest extent practicable; and

(iii) may not be obtained by fraudulent means.

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

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

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

(i) the purpose for which the personal information is collected;

(ii) any specific consequences to the person for refusal to provide the personal information;

(iii) the person's right to inspect, amend, or correct personal records, if any;

(iv) whether the personal information is generally available for public inspection; and

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 13, 2008.