

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 11
Finance

(Senator Lee)

Economic Matters

Workgroup on Online Consumer Personal Information Privacy

This bill establishes the Workgroup on Online Consumer Personal Information Privacy. Among other duties, the workgroup must monitor and analyze approaches to protecting online consumer privacy at the federal level, in other states, and internationally. By December 1, 2022, the workgroup must report its findings and recommendations (including any recommended legislation for the 2023 legislative session) to the Governor, the Senate Finance Committee, and the House Economic Matters Committee. The Department of Legislative Services (DLS) must provide staff for the workgroup. **The bill takes effect June 1, 2022, and terminates June 30, 2023.**

Fiscal Summary

State Effect: DLS can staff the workgroup with existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The workgroup must review the current practices of business entities relating to the collection, use, storage, disclosure, analysis, deletion, and modification of online personal information of consumers in the State.

Additionally, the workgroup must monitor and analyze approaches to protecting online consumer privacy at the federal level, in other states, and internationally, including:

- notice and disclosure obligations on business entities relating to online personal information;
- establishing and protecting rights of consumers relating to the processing of online personal information, including rights and protections relating to specified information;
- protections against discrimination for the exercise of consumer rights relating to online personal information;
- obligations on businesses entities relating to online consumer data minimization and protection;
- the types of entities and information subject to online consumer privacy requirements and any exemptions from the requirements; and
- enforcement mechanisms for protecting consumer online privacy and remedies available to consumers.

Finally, the workgroup must make findings and recommendations relating to online consumer personal information privacy, including any recommended legislation.

Current Law: State law does not generally regulate Internet privacy. However, businesses are required under the Maryland Personal Information Protection Act to take precautions to secure the personal information of customers and to provide notice of breaches.

In addition, the Social Security Number Privacy Act prohibits specified disclosures of an individual's Social Security number (SSN). However, the law exempts entities that provide Internet access (including "interactive computer service providers" and telecommunications providers) under specified circumstances. More specifically, the law does not apply to an interactive computer service provider's or a telecommunication's provider's *transmission or routing of* (or intermediate temporary storage or caching of) an individual's SSN. In addition, the law does not impose a duty on an interactive computer service provider or a telecommunications provider to monitor its service or to seek evidence of the transmission of SSNs on its service.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Office of the Attorney General (Consumer Protection Division); Department of Legislative Services

Fiscal Note History: First Reader - January 24, 2022
km/jkb Third Reader - March 29, 2022
Revised - Amendment(s) - March 29, 2022

Analysis by: Eric F. Pierce

Direct Inquiries to:
(410) 946-5510
(301) 970-5510