

HOUSE BILL 1365

I3

5lr3142

By: **Delegate Harrison**

Introduced and read first time: February 7, 2025

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Commercial Law – Online Data Privacy – Limits on Data Collection**

3 FOR the purpose of altering certain requirements for a controller relating to the collection
4 of personal data; and generally relating to the collection and processing of personal
5 data.

6 BY repealing and reenacting, without amendments,
7 Article – Commercial Law
8 Section 14–4701(a), (k), and (w)
9 Annotated Code of Maryland
10 (2013 Replacement Volume and 2024 Supplement)
11 (As enacted by Chapter 454 of the Acts of the General Assembly of 2024)

12 BY repealing and reenacting, with amendments,
13 Article – Commercial Law
14 Section 14–4707(b)(1)
15 Annotated Code of Maryland
16 (2013 Replacement Volume and 2024 Supplement)
17 (As enacted by Chapter 454 of the Acts of the General Assembly of 2024)

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

20 **Article – Commercial Law**

21 14–4701.

22 (a) In this subtitle the following words have the meanings indicated.

23 (k) “Controller” means a person that, alone or jointly with others, determines the
24 purpose and means of processing personal data.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (w) (1) “Personal data” means any information that is linked or can be
2 reasonably linked to an identified or identifiable consumer.

3 (2) “Personal data” does not include:

4 (i) De-identified data; or

5 (ii) Publicly available information.

6 14-4707.

7 (b) (1) A controller shall:

8 (i) Limit the collection of personal data to what is **ADEQUATE,**
9 **RELEVANT, AND** reasonably necessary [and proportionate to provide or maintain a specific
10 product or service requested by the consumer to whom the data pertains] **IN RELATION TO**
11 **THE PURPOSES FOR WHICH THE DATA IS PROCESSED, AS DISCLOSED TO THE**
12 **CONSUMER;**

13 (ii) Establish, implement, and maintain reasonable administrative,
14 technical, and physical data security practices to protect the confidentiality, integrity, and
15 accessibility of personal data appropriate to the volume and nature of the personal data at
16 issue; and

17 (iii) Provide an effective mechanism for a consumer to revoke the
18 consumer’s consent under this section that is at least as easy as the mechanism by which
19 the consumer provided the consumer’s consent.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2025, the effective dates of Chapters 424 and 425 of the Acts of the General
22 Assembly of 2024. If the effective dates of Chapters 424 and 425 are amended, this Act shall
23 take effect on the taking effect of Chapters 424 and 425.