

Chapter 129

(House Bill 242)

AN ACT concerning

Unemployment Insurance – Confidentiality of Information

FOR the purpose of altering requirements related to the confidentiality of unemployment insurance information to ensure compliance with federal law and regulations; altering existing confidentiality provisions related to inspection of employment records as well as claim information by agents of child support enforcement units; establishing exceptions to the confidentiality requirement in accordance with federal law and regulations; establishing penalties for the unauthorized disclosure of confidential unemployment insurance information by recipients and current and former employees of the Maryland Department of Labor; and generally relating to unemployment insurance information.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–101, 8–110, and 8–1305(c)
Annotated Code of Maryland
(2025 Replacement Volume)

BY adding to
Article – Labor and Employment
Section 8–111
Annotated Code of Maryland
(2025 Replacement Volume)

BY repealing
Article – Labor and Employment
Section 8–625(d) and 8–811
Annotated Code of Maryland
(2025 Replacement Volume)

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

Article – Labor and Employment

8–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Base period” means:

(1) the first 4 of the last 5 completed calendar quarters immediately preceding the start of the benefit year; or

(2) the 4 most recently completed calendar quarters immediately preceding the start of the benefit year only if the individual applying for benefits does not qualify for any benefits under § 8–802 of this title using the definition in item (1) of this subsection.

(c) “Base period employer” means an employing unit who paid wages to an individual during the base period of the individual for covered employment.

(d) “Benefit year” means a 1–year period that begins:

(1) on the 1st day of the 1st week for which an individual first files a claim for benefits; or

(2) if an individual already has had a benefit year, on the 1st day of the 1st week for which the individual files a claim for benefits after the termination of the preceding benefit year.

(e) “Benefits” means the money that is payable under this title to an individual who is unemployed.

(f) “Board of Appeals” means the Board of Appeals of the Maryland Department of Labor established under § 8–5A–01 of this title.

(g) “Calendar quarter” means the period of 3 consecutive calendar months ending on March 31, June 30, September 30, or December 31, except as otherwise provided by the Secretary by regulation.

(h) “Child support” means an obligation that is enforced under a plan that:

(1) is described in § 454 of the Social Security Act; and

(2) has been approved by the United States Secretary of Health and Human Services under Part D of Title IV of the Social Security Act.

(i) “Child support enforcement unit” means a unit of a state or political subdivision of a state that operates under a plan that:

(1) is described in § 454 of the Social Security Act; and

(2) has been approved by the United States Secretary of Health and Human Services under Part D of Title IV of the Social Security Act.

(I–1) (1) “CLAIM INFORMATION” MEANS INFORMATION ABOUT:

(I) WHETHER AN INDIVIDUAL IS RECEIVING, HAS RECEIVED, OR HAS APPLIED FOR UNEMPLOYMENT INSURANCE;

(II) THE AMOUNT OF COMPENSATION THE INDIVIDUAL IS RECEIVING OR IS ENTITLED TO RECEIVE; AND

(III) THE INDIVIDUAL'S CURRENT OR LAST KNOWN HOME ADDRESS.

(2) FOR PURPOSES OF THE DISCLOSURE OF INFORMATION TO A REQUESTING AGENCY RELATED TO AN INCOME AND ELIGIBILITY VERIFICATION SYSTEM DESCRIBED IN 20 C.F.R. PART 603, "CLAIM INFORMATION" INCLUDES:

(I) WHETHER THE INDIVIDUAL HAS REFUSED AN OFFER OF WORK AND, IF SO, A DESCRIPTION OF THE JOB OFFERED INCLUDING THE TERMS, CONDITIONS, AND RATE OF PAY; AND

(II) ANY OTHER INFORMATION CONTAINED IN THE RECORDS OF THE DEPARTMENT THAT IS NEEDED BY THE REQUESTING AGENCY TO VERIFY ELIGIBILITY FOR, AND THE AMOUNT OF, BENEFITS.

(j) "Claimant" means an individual who submits a claim for benefits.

(j-1) "Claims examiner" means an individual appointed by the Secretary who makes determinations or redeterminations of claims under Subtitle 8 of this title.

(J-2) (1) "CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION" MEANS ANY UNEMPLOYMENT INSURANCE INFORMATION IN THE RECORDS OF THE DEPARTMENT THAT:

(I) REVEALS THE NAME OF OR OTHER IDENTIFYING INFORMATION ABOUT AN INDIVIDUAL;

(II) REVEALS THE NAME OF OR OTHER IDENTIFYING INFORMATION ABOUT A PAST OR PRESENT EMPLOYER OR EMPLOYING UNIT; OR

(III) COULD FORESEEABLY BE COMBINED WITH OTHER PUBLICLY AVAILABLE INFORMATION TO REVEAL IDENTIFYING INFORMATION ABOUT AN INDIVIDUAL, EMPLOYER, OR EMPLOYING UNIT.

(2) "CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION" INCLUDES:

(I) CLAIM INFORMATION; AND**(II) WAGE INFORMATION.**

(k) “Contributions” means money required to be paid to the Unemployment Insurance Fund under § 8–607 of this title.

(l) “Covered employment” means work that an individual performs for an employing unit that is the basis for benefits.

(m) “Department” means the Maryland Department of Labor.

(m–1) “Determination” means a decision made by or on behalf of the Secretary under this title.

(n) (1) “Educational institution” means an institution that offers participants, students, or trainees an organized course of study or training that is academic, technical, trade-oriented, or preparatory for gainful employment in a recognized occupation.

(2) “Educational institution” includes an institution of higher education.

(o) “Employer” means a person or governmental entity who employs at least 1 individual within the State.

(p) “Employing unit” means:

(1) an employer that has at least 1 employee engaged in covered employment for at least part of a day;

(2) an employer that has elected to become subject to this title under § 8–203 of this title; or

(3) an employer that is not otherwise subject to this title but that:

(i) within the current or preceding calendar year, is liable for any federal tax against which credit may be taken for contributions required to be paid into a State unemployment fund; or

(ii) as a condition for approval for full credit of contributions against the tax imposed by the Federal Unemployment Tax Act, is required by that Act to be an employing unit.

(q) “Governmental entity” means:

(1) a governmental unit as defined in § 1–101 of this article; or

- (2) an instrumentality of:
 - (i) 1 or more states;
 - (ii) 1 or more political subdivisions of a state; or
 - (iii) 1 or more states and political subdivisions of states.

(q-1) “Hearing examiner” means an individual appointed under § 8-502 of this title who is authorized to conduct hearings and issue decisions in cases appealed to the Lower Appeals Division.

(r) “Hospital” has the meaning stated in § 19-301 of the Health – General Article.

(s) (1) “Institution of higher education” means an educational institution that:

- (i) is a public or other nonprofit institution;
- (ii) is authorized to provide in the State a program of education beyond high school; and
- (iii) admits as regular students only individuals with a certificate of graduation from high school or a recognized equivalent certificate for:
 1. training preparatory for employment in a recognized occupation;
 2. work for credit toward a bachelor’s degree; or
 3. postgraduate or postdoctoral study.

(2) “Institution of higher education” includes each college and university in the State.

(t) “Knowingly” means, except as otherwise provided in this title, having actual knowledge, deliberate ignorance, or reckless disregard for the truth.

(t-1) “Last known address” includes a physical address or an electronic address.

(u) “Lower Appeals Division” means the Lower Appeals Division of the Maryland Department of Labor.

(u-1) “Mailed or otherwise delivered” means to cause to be delivered by electronic transmission or physical mailing.

(v) “Nonprofit organization” means an organization that is:

- (1) described in § 501(c)(3) of the Internal Revenue Code; and
 - (2) exempt from income tax under § 501(a) of the Internal Revenue Code.
- (w) “Part–time worker” means an individual:
- (1) whose availability for work is restricted to part–time work; and
 - (2) who worked at least 20 hours per week in part–time work for a majority of the weeks of work in the base period.

(W–1) (1) “PERFORMANCE OF OFFICIAL DUTIES” MEANS:

(I) THE ADMINISTRATION OR ENFORCEMENT OF LAW, INCLUDING RESEARCH RELATED TO THE LAW ADMINISTERED BY A PUBLIC OFFICIAL; OR

(II) THE EXECUTION OF THE OFFICIAL RESPONSIBILITIES OF A FEDERAL, STATE, OR LOCAL ELECTED OFFICIAL.

(2) WITH RESPECT TO A PUBLIC OFFICIAL DESCRIBED UNDER SUBSECTION (W–3)(2), (3), (4), OR (5) OF THIS SECTION, “PERFORMANCE OF OFFICIAL DUTIES” INCLUDES, IN ADDITION TO THE ACTIVITIES SET OUT IN PARAGRAPH (1) OF THIS SUBSECTION, THE USE OF CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION FOR THE FOLLOWING LIMITED PURPOSES:

(I) STATE AND LOCAL PERFORMANCE ACCOUNTABILITY UNDER THE FEDERAL WORKFORCE INNOVATION AND OPPORTUNITY ACT, INCLUDING ELIGIBLE TRAINING PROVIDER PERFORMANCE ACCOUNTABILITY UNDER §§ 116(D) AND 122;

(II) TO MEET THE REQUIREMENTS OF DISCRETIONARY FEDERAL GRANTS AWARDED UNDER THE FEDERAL WORKFORCE INNOVATION AND OPPORTUNITY ACT; OR

(III) AS OTHERWISE REQUIRED FOR EDUCATION OR WORKFORCE TRAINING PROGRAM PERFORMANCE ACCOUNTABILITY AND REPORTING UNDER FEDERAL OR STATE LAW.

(3) FOR PURPOSES OF PARAGRAPH (1)(II) OF THIS SUBSECTION, “PERFORMANCE OF OFFICIAL DUTIES” DOES NOT INCLUDE THE SOLICITATION OF

CONTRIBUTIONS OR EXPENDITURES TO OR ON BEHALF OF A CANDIDATE FOR PUBLIC OR POLITICAL OFFICE OR A POLITICAL PARTY.

(W-2) “PUBLIC DOMAIN INFORMATION” MEANS:

(1) INFORMATION ABOUT THE ORGANIZATION OF THE DEPARTMENT, INCLUDING THE LOWER APPEALS DIVISION AND THE BOARD OF APPEALS;

(2) INFORMATION ABOUT APPLICABLE FEDERAL AND STATE LAWS, RULES, REGULATIONS, AND INTERPRETATIONS OF THE LAWS, RULES, AND REGULATIONS, INCLUDING STATEMENTS OF GENERAL POLICY AND INTERPRETATIONS OF GENERAL APPLICABILITY; AND

(3) AN AGREEMENT OF ANY KIND OR NATURE, INCLUDING INTERSTATE ARRANGEMENTS, RECIPROCAL AGREEMENTS, AND ANY AGREEMENT WITH THE U.S. DEPARTMENT OF LABOR OR THE SECRETARY, RELATING TO THE ADMINISTRATION OF THE UNEMPLOYMENT INSURANCE PROGRAM.

(W-3) “PUBLIC OFFICIAL” MEANS:

(1) AN OFFICIAL, AN AGENCY, OR A PUBLIC ENTITY WITHIN THE EXECUTIVE BRANCH OF FEDERAL, STATE, OR LOCAL GOVERNMENT THAT HAS RESPONSIBILITY FOR ADMINISTERING OR ENFORCING A LAW, OR AN ELECTED OFFICIAL IN THE FEDERAL, STATE, OR LOCAL GOVERNMENT;

(2) PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTIONS ESTABLISHED AND GOVERNED UNDER THE LAWS OF THE STATE, INCLUDING:

(I) INSTITUTIONS THAT ARE PART OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT;

(II) INSTITUTIONS THAT ARE INDEPENDENT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT IN ACCORDANCE WITH 20 C.F.R. § 603.2(D)(2)(II); AND

(III) PUBLICLY GOVERNED AND FUNDED COMMUNITY AND TECHNICAL COLLEGES;

(3) PERFORMANCE ACCOUNTABILITY AND CUSTOMER INFORMATION AGENCIES DESIGNATED BY THE GOVERNOR TO BE RESPONSIBLE FOR COORDINATING THE ASSESSMENT OF STATE AND LOCAL EDUCATION OR WORKFORCE TRAINING PROGRAM PERFORMANCE OR EVALUATING EDUCATION OR WORKFORCE TRAINING PROVIDER PERFORMANCE;

(4) THE CHIEF ELECTED OFFICIAL OF A LOCAL AREA AS DEFINED IN § 3(9) OF THE FEDERAL WORKFORCE INNOVATION AND OPPORTUNITY ACT; AND

(5) A STATE EDUCATIONAL AUTHORITY, AGENCY, OR INSTITUTION AS THOSE TERMS ARE USED IN THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT, TO THE EXTENT THAT THEY ARE PUBLIC ENTITIES.

(W-4) “REQUESTING AGENCY” MEANS AN AGENCY DEFINED IN 20 C.F.R. § 603.21.

[(w-1)] (W-5) “Review determination” means the process by which the Department conducts an internal review of a determination made under Subtitle 6 of this title, independent of a determination or redetermination of a claim.

[(w-2)] (W-6) “Review determination decision” means the Secretary’s final determination under Subtitle 6 of this title for which a right to a review determination is available that:

(1) is issued in accordance with § 8-604 of this title; and

(2) may be appealed in accordance with § 8-605 of this title.

(x) “Secretary” means the Secretary of Labor.

(x-1) “Send” means to cause to be delivered by electronic transmission or physical mailing.

(y) (1) “State” has the meaning stated in § 1-101 of this article.

(2) “State” does not include a territory of the United States unless the territory enacted an unemployment insurance law that complies with the standards adopted by the Secretary of Labor of the United States under the Federal Unemployment Tax Act or Title III of the Social Security Act.

(z) “Tip” means compensation that:

(1) an individual receives from a customer of the individual’s employer while performing covered employment; and

(2) is included in a written statement provided to the employer under § 6053(a) of the Internal Revenue Code.

(Z-1) (1) “UNEMPLOYMENT INSURANCE INFORMATION” MEANS INFORMATION IN THE DEPARTMENT’S RECORDS PERTAINING TO THE

ADMINISTRATION OF THE UNEMPLOYMENT INSURANCE PROGRAM, INCLUDING INFORMATION OBTAINED BY THE DEPARTMENT FROM CLAIMANTS AND EMPLOYERS IN ACCORDANCE WITH THIS TITLE.

(2) “UNEMPLOYMENT INSURANCE INFORMATION” INCLUDES STATE WAGE REPORTS COLLECTED UNDER AN INCOME AND ELIGIBILITY VERIFICATION SYSTEM IN ACCORDANCE WITH 42 U.S.C. § 1320B-7 THAT ARE OBTAINED BY THE DEPARTMENT FOR DETERMINING UNEMPLOYMENT INSURANCE MONETARY ELIGIBILITY OR ARE DOWNLOADED TO THE DEPARTMENT’S FILES AS A RESULT OF A CROSSMATCH BUT DOES NOT OTHERWISE INCLUDE THOSE WAGE REPORTS.

(3) “UNEMPLOYMENT INSURANCE INFORMATION” DOES NOT INCLUDE:

(I) INFORMATION IN THE STATE’S DIRECTORY OF NEW HIRES, UNLESS THE INFORMATION HAS BEEN DISCLOSED TO THE DEPARTMENT FOR USE IN THE UNEMPLOYMENT INSURANCE PROGRAM; OR

(II) THE PERSONNEL OR FISCAL INFORMATION OF THE DEPARTMENT.

(Z-2) “WAGE INFORMATION” MEANS INFORMATION IN THE RECORDS OF THE DEPARTMENT ABOUT:

(1) THE WAGES PAID TO AN INDIVIDUAL;

(2) THE SOCIAL SECURITY NUMBER OF THE INDIVIDUAL; AND

(3) THE NAME, ADDRESS, STATE, AND FEDERAL EMPLOYER IDENTIFICATION NUMBER OF THE EMPLOYER WHO PAID WAGES TO THE INDIVIDUAL.

(aa) (1) “Wages” means all compensation for personal services except as provided in paragraph (3) of this subsection.

(2) “Wages” includes:

(i) a bonus;

(ii) a commission;

(iii) a tip; and

(iv) the cash value of all compensation in any medium other than cash.

(3) “Wages” does not include:

(i) the amount of any payment made to or on behalf of an employee or any dependent of an employee under a plan or system established by an employing unit that provides for employees generally or for their dependents or for a class of employees and their dependents on account of:

1. retirement;
2. sickness or accident disability payments under a workers’ compensation law;
3. medical or hospitalization expenses in connection with sickness or accident disability;
4. a cafeteria plan as defined in 26 U.S.C. § 125, if the payments would not be treated as wages outside a cafeteria plan;
5. dependent care assistance to the extent that the assistance payments would be excludable from gross income under the provisions of 26 U.S.C. § 127 or § 129; or
6. death;

(ii) any amount that an employing unit pays for insurance or an annuity or into a fund to provide for a payment described in item (i) of this paragraph;

(iii) any payment on account of sickness or accident disability or medical or hospitalization expenses in connection with sickness or accident disability made by the employing unit to or on behalf of an employee at least 6 calendar months after the last calendar month in which the employee worked for the employing unit;

(iv) any payment made to or on behalf of an employee or beneficiary of the employee:

1. from or to a trust exempt from tax under § 401(a) of the Internal Revenue Code at the time of the payment, unless the payment is made to an employee of the trust as compensation for services rendered as an employee and not as beneficiary of the trust; or

2. under or to an annuity plan that, at the time of payment, meets the requirements of § 401(a)(3) through (6) of the Internal Revenue Code;

(v) with respect to compensation paid to an employee for domestic service in a private home of the employing unit or for agricultural labor, the payment by

an employing unit without deduction of the tax imposed on an employee under § 3101 of the Internal Revenue Code;

(vi) any payment required from an employee under a state unemployment insurance law;

(vii) compensation paid in any medium other than cash to an employee for service not in the course of the trade or business of the employing unit;

(viii) any payment other than vacation or sick pay made to an employee after the month in which the employee becomes 65 years old if the employee did not work for the employing unit in the period for which the payment is made;

(ix) any payment, including an amount paid into a fund to provide for any payment by an employing unit to or on behalf of an employee under a plan or system that an employing unit establishes that provides for employees of the employing unit generally or a class or group of employees to supplement unemployment benefits;

(x) any payment to an individual as compensation for serving or being called to serve on a jury; or

(xi) any payment to an individual as allowance or reimbursement for travel or other expenses incurred on the business of the employer up to the amount of expenses actually incurred and accounted for by the individual to the employer.

(bb) “Week” means a period of 7 consecutive days, as the Secretary sets by regulation.

8–110.

(a) **[On] SUBJECT TO FEDERAL LAW, INCLUDING 20 C.F.R. PART 603, ON** request and for purposes consistent with Chapter 65 of the Acts of the General Assembly of 2021, the Department shall provide to the chief elected official of a county demographic data and the addresses, occupations, and last known employers of unemployment insurance recipients who live in the county of the chief elected official.

(b) **[A] SUBJECT TO FEDERAL LAW, INCLUDING 20 C.F.R. PART 603, A** chief elected official of a county may:

(1) share the information provided to the chief elected official under subsection (a) of this section with the governing body of the county; and

(2) request information under subsection (a) of this section on behalf of a political subdivision within the county and provide the information to the political subdivision.

(c) The Secretary may adopt regulations to carry out this section, including regulations that:

(1) establish the circumstances under which the names of unemployment insurance recipients may be included in the information provided under subsection (a) of this section; and

(2) are necessary to protect the personally identifiable information of unemployment insurance recipients.

8-111.

(A) FOR PURPOSES OF THIS SECTION, “FEDERAL LAW” MEANS THE FEDERAL LAW GOVERNING THE UNEMPLOYMENT INSURANCE PROGRAM, INCLUDING THE SOCIAL SECURITY ACT, THE FEDERAL UNEMPLOYMENT TAX ACT, AND RELATED REGULATIONS PROMULGATED BY THE U.S. DEPARTMENT OF LABOR, INCLUDING 20 C.F.R. PART 603.

(B) THE CONFIDENTIALITY PROVISIONS OF THIS TITLE SHALL BE INTERPRETED IN A MANNER THAT ENSURES COMPLIANCE WITH FEDERAL LAW.

(C) EXCEPT AS OTHERWISE PROVIDED UNDER FEDERAL OR STATE LAW, ANY UNEMPLOYMENT INSURANCE INFORMATION IN THE DEPARTMENT’S RECORDS THAT REVEALS THE NAME OR OTHER IDENTIFYING INFORMATION ABOUT AN INDIVIDUAL OR A PAST OR PRESENT EMPLOYER OR EMPLOYING UNIT, OR THAT COULD FORESEEABLY BE COMBINED WITH OTHER PUBLICLY AVAILABLE INFORMATION TO REVEAL ANY SUCH INFORMATION, IS CONFIDENTIAL AND MAY NOT BE DISCLOSED.

(D) THE CONFIDENTIALITY PROVISIONS OF THIS TITLE DO NOT APPLY TO:

(1) THE DISCLOSURE OF INFORMATION THAT IS NECESSARY FOR THE PROPER ADMINISTRATION OF THE UNEMPLOYMENT INSURANCE PROGRAM, INCLUDING THE DISCLOSURE OF INFORMATION TO A CLAIMANT AND EMPLOYER RELATED TO A CLAIM FOR BENEFITS INVOLVING THAT CLAIMANT AND THAT EMPLOYER;

(2) PUBLIC DOMAIN INFORMATION; OR

(3) INFORMATION COLLECTED EXCLUSIVELY FOR STATISTICAL PURPOSES UNDER A COOPERATIVE AGREEMENT WITH THE U.S. BUREAU OF LABOR STATISTICS, ANY OTHER INFORMATION TRANSFERRED TO THE U.S. BUREAU OF

LABOR STATISTICS UNDER AN AGREEMENT, OR THE U.S. BUREAU OF LABOR STATISTICS' DISCLOSURE OR USE OF SUCH INFORMATION.

(E) THE SECRETARY SHALL DISCLOSE CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION:

(1) AS NECESSARY FOR THE PROPER ADMINISTRATION OF THE UNEMPLOYMENT INSURANCE PROGRAM, INCLUDING DISCLOSING INFORMATION TO A CLAIMANT AND EMPLOYER RELATED TO A CLAIM FOR BENEFITS INVOLVING THAT CLAIMANT AND THAT EMPLOYER;

(2) AS OTHERWISE REQUIRED UNDER FEDERAL LAW, INCLUDING 20 C.F.R. §§ 603.6(B) AND 603.22; AND

(3) AS OTHERWISE PROVIDED UNDER THIS TITLE IN ACCORDANCE WITH FEDERAL LAW.

(F) TO THE EXTENT NECESSARY FOR PROPER PRESENTATION OF A CLAIM, THE SECRETARY, THE LOWER APPEALS DIVISION, AND THE BOARD OF APPEALS SHALL PROVIDE CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION TO A CLAIMANT OR AN EMPLOYER AT A HEARING BEFORE A HEARING EXAMINER, A SPECIAL EXAMINER, THE SECRETARY, OR THE BOARD OF APPEALS PERTAINING TO THAT CLAIMANT AND THAT EMPLOYER.

(G) AT THE SECRETARY'S DISCRETION, AND IF THE DISCLOSURE DOES NOT INTERFERE WITH THE EFFICIENT ADMINISTRATION OF THE UNEMPLOYMENT INSURANCE PROGRAM, THE SECRETARY MAY AUTHORIZE THE FOLLOWING DISCLOSURES OF CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION IN ACCORDANCE WITH FEDERAL LAW:

(1) FOR PURPOSES NOT RELATED TO THE UNEMPLOYMENT INSURANCE PROGRAM, INFORMATION ABOUT AN INDIVIDUAL TO THE INDIVIDUAL, OR ABOUT AN EMPLOYER TO THE EMPLOYER;

(2) FINAL DECISIONS, AND RECORDS OF HEARINGS THAT LED TO FINAL DECISIONS, OF THE LOWER APPEALS DIVISION AND THE BOARD OF APPEALS, IF ALL SOCIAL SECURITY NUMBERS HAVE BEEN REMOVED;

(3) TO A PUBLIC OFFICIAL FOR USE IN THE PERFORMANCE OF OFFICIAL DUTIES;

(4) TO AN AGENT OR CONTRACTOR OF A PUBLIC OFFICIAL FOR USE IN THE PERFORMANCE OF THE PUBLIC OFFICIAL'S OFFICIAL DUTIES, IF THE PUBLIC

OFFICIAL RETAINS RESPONSIBILITY FOR THE USES OF THE CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION BY THE AGENT OR CONTRACTOR;

(5) TO AN AUTHORIZED REPRESENTATIVE, OTHER THAN AN ATTORNEY, OF A CLAIMANT OR AN EMPLOYER IF THE AUTHORIZED REPRESENTATIVE PRESENTS A WRITTEN RELEASE FROM THE CLAIMANT OR EMPLOYER BEING REPRESENTED;

(6) TO AN ELECTED OFFICIAL PERFORMING CONSTITUENT SERVICES, IF THE OFFICIAL PRESENTS REASONABLE EVIDENCE, SUCH AS A LETTER FROM THE INDIVIDUAL OR EMPLOYER REQUESTING ASSISTANCE OR A WRITTEN RECORD OF A TELEPHONE REQUEST FROM THE INDIVIDUAL OR EMPLOYER, THAT THE INDIVIDUAL OR EMPLOYER HAS AUTHORIZED THE DISCLOSURE;

(7) TO AN ATTORNEY WHO IS REPRESENTING A CLAIMANT OR AN EMPLOYER IN AN UNEMPLOYMENT INSURANCE CLAIM; AND

(8) TO A THIRD PARTY THAT IS NOT ACTING AS AN AGENT OR THAT RECEIVES CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION FOLLOWING AN INFORMED CONSENT DISCLOSURE ON AN ONGOING BASIS, EVEN IF THE INDIVIDUAL OR ENTITY IS AN AGENT, BUT ONLY IF:

(I) THE THIRD PARTY OBTAINS A WRITTEN RELEASE FROM THE INDIVIDUAL OR EMPLOYER TO WHOM THE CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION PERTAINS;

(II) THE WRITTEN RELEASE IS SIGNED AND INCLUDES:

1. A STATEMENT SPECIFICALLY IDENTIFYING:

A. THE CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION TO BE DISCLOSED;

B. THAT STATE GOVERNMENT FILES WILL BE ACCESSED TO OBTAIN THE CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION; AND

C. THE SPECIFIC PURPOSE FOR WHICH THE CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION IS SOUGHT; AND

2. A STATEMENT THAT CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION OBTAINED UNDER THE RELEASE WILL BE USED ONLY

FOR THAT PURPOSE AND IDENTIFYING ALL PARTIES WHO MAY RECEIVE THE CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION DISCLOSED; AND

(III) THE PURPOSE SPECIFIED IN THE RELEASE IS LIMITED TO PROVIDING A SERVICE OR BENEFIT TO THE INDIVIDUAL SIGNING THE RELEASE THAT THE INDIVIDUAL EXPECTS TO RECEIVE AS A RESULT OF SIGNING THE RELEASE OR CARRYING OUT ADMINISTRATION OR EVALUATION OF A PUBLIC PROGRAM TO WHICH THE RELEASE PERTAINS.

(H) (1) THE SECRETARY MAY DISCLOSE CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION IN RESPONSE TO A SUBPOENA ISSUED BY A LOCAL, STATE, OR FEDERAL GOVERNMENT OFFICIAL, OTHER THAN A CLERK OF COURT ON BEHALF OF A LITIGANT, WITH AUTHORITY TO OBTAIN THE CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION BY SUBPOENA UNDER FEDERAL OR STATE LAW.

(2) THE SECRETARY MAY CHOOSE TO PROVIDE THE CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION TO AN OFFICIAL UNDER THIS SUBSECTION WITHOUT THE ACTUAL ISSUANCE OF A SUBPOENA.

(I) CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION DISCLOSED TO A THIRD PARTY THAT IS NOT ACTING AS AN AGENT OR THAT RECEIVES CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION FOLLOWING AN INFORMED CONSENT DISCLOSURE ON AN ONGOING BASIS, EVEN IF THE INDIVIDUAL OR ENTITY IS AN AGENT, TO A PUBLIC OFFICIAL, TO AN AGENT OR CONTRACTOR OF A PUBLIC OFFICIAL, TO A REQUESTING AGENCY AND AS REQUIRED UNDER 20 C.F.R. § 603.6(B)(1) THROUGH (4), (6), AND (7)(I), SHALL BE SAFEGUARDED AGAINST UNAUTHORIZED ACCESS AS FOLLOWS:

(1) THE RECIPIENT SHALL USE THE CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION EXCLUSIVELY FOR THE PURPOSES FOR WHICH IT WAS DISCLOSED AND CONSISTENT WITH A WRITTEN AGREEMENT WITH THE DEPARTMENT;

(2) THE RECIPIENT SHALL STORE AND PROCESS THE CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION ELECTRONICALLY AND PHYSICALLY IN SUCH A WAY TO ENSURE THAT IT IS SECURE FROM ACCESS BY UNAUTHORIZED PERSONS BY ANY MEANS;

(3) THE RECIPIENT SHALL UNDERTAKE PRECAUTIONS TO ENSURE THAT ONLY AUTHORIZED PERSONNEL, INCLUDING EMPLOYEES, AGENTS, AND CONTRACTORS, ARE GIVEN ACCESS TO DISCLOSED CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION STORED IN COMPUTER SYSTEMS;

(4) THE RECIPIENT SHALL INSTRUCT ALL PERSONNEL, INCLUDING ANY EMPLOYEES, AGENTS, AND CONTRACTORS, HAVING ACCESS TO THE DISCLOSED CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION ABOUT THE CONFIDENTIAL NATURE OF THE INFORMATION, THE CONFIDENTIALITY REQUIREMENTS OF FEDERAL AND STATE LAW, AND THE SANCTIONS UNDER STATE LAW FOR UNAUTHORIZED DISCLOSURE OF THE CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION;

(5) THE RECIPIENT SHALL SIGN AN ACKNOWLEDGMENT THAT ALL PERSONNEL, INCLUDING ANY EMPLOYEES, AGENTS, AND CONTRACTORS, HAVING ACCESS TO THE CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION HAVE BEEN INSTRUCTED IN ACCORDANCE WITH THIS SECTION, WILL ADHERE TO THE STATE'S CONFIDENTIALITY REQUIREMENTS AND PROCEDURES, AND AGREE TO REPORT ANY INFRACTION OF THESE REQUIREMENTS TO THE DEPARTMENT FULLY AND PROMPTLY;

(6) (I) THE RECIPIENT SHALL DISPOSE OF CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION DISCLOSED OR OBTAINED, AND ANY COPIES OF THE DISCLOSED OR OBTAINED CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION MADE BY THE RECIPIENT, INCLUDING BY EMPLOYEES, AGENTS, AND CONTRACTORS, AFTER THE PURPOSE FOR WHICH THE CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION IS DISCLOSED IS SERVED, EXCEPT FOR DISCLOSED CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION POSSESSED BY ANY COURT; AND

(II) THE CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION DISCLOSED MAY NOT BE RETAINED WITH PERSONAL IDENTIFIERS FOR LONGER THAN THE PERIOD OF TIME AS THE DEPARTMENT DEEMS APPROPRIATE ON A CASE-BY-CASE BASIS;

(7) THE RECIPIENT SHALL MAINTAIN A SYSTEM SUFFICIENT TO ALLOW AN AUDIT OF COMPLIANCE BY THE DEPARTMENT; AND

(8) THE RECIPIENT, AND ANY OF ITS EMPLOYEES, AGENTS, AND CONTRACTORS, MAY NOT REDISCLOSE CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION EXCEPT AS SPECIFICALLY AUTHORIZED BY THE SECRETARY IN ACCORDANCE WITH A WRITTEN AGREEMENT.

(J) IN ACCORDANCE WITH FEDERAL LAW, THE SECRETARY MAY AUTHORIZE A RECIPIENT OF CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION UNDER 20 C.F.R. § 603.6(B)(1), (2), (3), (4), (6), OR (7)(I), 20 C.F.R. § 603.22, OR

SUBSECTION (G)(3), (4), OR (8) OF THIS SECTION TO REDISCLOSE THE CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION ONLY:

(1) TO THE INDIVIDUAL OR EMPLOYER WHO IS THE SUBJECT OF THE CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION;

(2) TO AN ATTORNEY OR OTHER DULY AUTHORIZED AGENT REPRESENTING THE INDIVIDUAL OR EMPLOYER;

(3) IN ANY ADMINISTRATIVE, CIVIL, OR CRIMINAL PROCEEDINGS FOR OR ON BEHALF OF A RECIPIENT AGENCY OR ENTITY;

(4) IN RESPONSE TO A SUBPOENA ONLY AS PROVIDED IN 20 C.F.R. § 603.7;

(5) TO AN AGENT OR CONTRACTOR OF A PUBLIC OFFICIAL IF:

(I) THE PERSON REDISCLOSING IS A PUBLIC OFFICIAL;

(II) THE PUBLIC OFFICIAL RETAINS RESPONSIBILITY FOR THE USES OF THE CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION BY THE AGENT OR CONTRACTOR; AND

(III) THE CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION REDISCLOSED IS SUBJECT TO THE SAFEGUARDS IN SUBSECTION (I) OF THIS SECTION;

(6) FROM ONE PUBLIC OFFICIAL TO ANOTHER IF THE INFORMATION REDISCLOSED IS SUBJECT TO THE SAFEGUARDS IN SUBSECTION (I) OF THIS SECTION;

(7) TO ANY AGENT OF A CHILD SUPPORT ENFORCEMENT UNIT IF:

(I) THE AGENT IS UNDER CONTRACT WITH THE UNIT FOR THE PURPOSES OF ESTABLISHING AND COLLECTING CHILD SUPPORT OBLIGATIONS FROM AND LOCATING INDIVIDUALS OWING SUCH OBLIGATIONS; AND

(II) THE AGENT COMPLIES WITH THE SAFEGUARDS IN SUBSECTION (I) OF THIS SECTION; AND

(8) WHEN SPECIFICALLY AUTHORIZED BY A WRITTEN RELEASE THAT MEETS THE REQUIREMENTS OF SUBSECTION (G)(8) OF THIS SECTION.

(K) ANY EMPLOYEE OR FORMER EMPLOYEE OF THE DEPARTMENT, AND ANY RECIPIENT OF CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION UNDER SUBSECTION (G) OF THIS SECTION, INCLUDING ANY EMPLOYEE, AGENT, OR CONTRACTOR OF THE RECIPIENT, WHO DISCLOSES CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION IN VIOLATION OF THIS TITLE IS SUBJECT TO PENALTIES UNDER SUBTITLE 13 OF THIS TITLE.

8-625.

[(d) (1) Except as provided in paragraph (2) of this subsection, the Secretary and Board of Appeals may not publish or allow public inspection of information obtained under this section in any manner that reveals the identity of the employer except to public employees in the performance of their public duties.

(2) (i) The Secretary and Board of Appeals may allow inspection of information obtained under this section to any agent of a child support enforcement unit if the agent is under contract with the unit for the purposes of establishing and collecting child support obligations from and locating individuals owing such obligations.

(ii) The agent of the unit shall comply with safeguards established by the United States Department of Labor and the Secretary and is subject to the penalties under § 8-1305(c) of this title.

(3) To the extent necessary for proper presentation of a claim, the Secretary or Board of Appeals shall provide information from the records to a claimant at a hearing before a special examiner, hearing examiner, the Secretary, or the Board of Appeals.]

[8-811.

(a) In this section, “claim information” means information regarding:

(1) whether an individual is receiving, has received, or has applied for benefits under this title;

(2) the amount of benefits an individual is receiving or is entitled to receive;

(3) an individual’s current or most recent home address;

(4) whether an individual has refused an offer of work and if so, a description of the job offered, including terms, conditions, and rate of pay; and

(5) any other information that is needed by the child support enforcement unit to verify eligibility for and the amount of benefits.

(b) If an agent of a child support enforcement unit is under contract with the child support enforcement unit for the purposes of establishing and collecting child support obligations from and locating individuals owing such obligations, the Secretary and the Board of Appeals may allow the agent to inspect claim information.

(c) The agent of the child support enforcement unit shall comply with safeguards established by the United States Department of Labor and the Secretary and is subject to the penalties under § 8–1305(c) of this title.]

8–1305.

(c) (1) An employing unit or officer or agent of an employing unit who violates § 8–1303 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(2) A person who violates § 8–5A–08(b) or (d) of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(3) A person who violates § 8–1304 of this subtitle is guilty of a misdemeanor for each day the violation continues and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(4) An employee **OR FORMER EMPLOYEE** of the [Secretary or Board of Appeals] **DEPARTMENT** who **IN THE COURSE OF EMPLOYMENT OR DUTY HAS OR HAD ACCESS TO CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION MAINTAINED BY THE DEPARTMENT AND WHO** violates [§ 8–625] **§ 8–111** of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year or both.

(5) A PERSON WHO RECEIVES CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION UNDER THIS TITLE AND WHO REDISCLOSES, WITHOUT AUTHORIZATION, OR USES THE CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION FOR A PURPOSE OTHER THAN THAT SPECIFIED IN THE PROVISION OF LAW OR AGREEMENT AUTHORIZING THE USE OR DISCLOSURE OF THE CONFIDENTIAL UNEMPLOYMENT INSURANCE INFORMATION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

Approved by the Governor, April 14, 2026.