

## Article - Commercial Law

[\[Previous\]](#)[\[Next\]](#)

§14–1324.

(a) This section applies to the operator of a website that charges a fee to remove an arrest or detention photograph or digital image.

(b) An individual may request an operator of a website to remove the individual's photograph or digital image from the operator's website if:

(1) The photograph or digital image was taken during the arrest or detention of the individual for a criminal or traffic charge or suspected violation of a criminal or traffic law; and

(2) (i) The court record or police record that contained the photograph or digital image was expunged under Title 10, Subtitle 1 of the Criminal Procedure Article;

(ii) The individual has successfully petitioned a court to have the court record or police record that contained the photograph or digital image shielded or otherwise removed from public inspection; or

(iii) The individual has successfully petitioned a court to vacate the judgment that resulted from the arrest or detention.

(c) An individual shall make a request for removal of a photograph or digital image under subsection (b) of this section by:

(1) Written request sent by certified mail; or

(2) Electronic mail using an electronic postmark if the operator makes available a secure electronic mail connection on the operator's website.

(d) An operator of a website shall remove the photograph or digital image of an individual within 30 days after receiving a request under subsection (c) of this section.

(e) Within 5 business days after removing a photograph or digital image of an individual, the operator of a website shall send a written confirmation of the removal to the individual.

(f) An operator of a website may not charge an individual for the removal of the individual's photograph or digital image under this section.

(g) A violation of this section is:

(1) An unfair or deceptive trade practice within the meaning of Title 13 of this article; and

(2) Subject to the enforcement and penalty provisions contained in Title 13 of this article.

[\[Previous\]](#)[\[Next\]](#)