

HOUSE BILL 264

S2

(PRE-FILED)

6lr0274
CF 6lr0273

By: **Chair, Government, Labor, and Elections Committee (By Request –
Departmental – Information Technology)**

Requested: October 1, 2025

Introduced and read first time: January 14, 2026

Assigned to: Government, Labor, and Elections

Committee Report: Favorable

House action: Adopted

Read second time: March 7, 2026

CHAPTER _____

1 AN ACT concerning

2 **Maryland Data Privacy and Protection Act of 2026**

3 FOR the purpose of limiting the personal information that may be collected, maintained,
4 processed, and retained by units of State government under certain circumstances;
5 requiring certain personal information to be deleted or de-identified under certain
6 circumstances; requiring each unit to post a certain privacy notice on its Internet
7 website and establishing certain requirements for privacy notices and privacy
8 policies; requiring each unit of State government to designate a Privacy Officer;
9 requiring the Department of Information Technology to establish certain
10 requirements to be included in certain contracts; altering the definition of “personal
11 information” as it relates to protection of information by government agencies; and
12 generally relating to data privacy, protection, and transparency in State
13 government.

14 BY repealing and reenacting, without amendments,
15 Article – Commercial Law
16 Section 14-4701(gg)
17 Annotated Code of Maryland
18 (2025 Replacement Volume)

19 BY repealing and reenacting, with amendments,
20 Article – General Provisions
21 Section 4-501

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2019 Replacement Volume and 2025 Supplement)

3 BY adding to
4 Article – State Finance and Procurement
5 Section 3.5–319
6 Annotated Code of Maryland
7 (2021 Replacement Volume and 2025 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – State Finance and Procurement
10 Section 13–115
11 Annotated Code of Maryland
12 (2021 Replacement Volume and 2025 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – State Government
15 Section 10–1301(a)
16 Annotated Code of Maryland
17 (2021 Replacement Volume and 2025 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – State Government
20 Section 10–1301(c) and 10–1702
21 Annotated Code of Maryland
22 (2021 Replacement Volume and 2025 Supplement)

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

25 **Article – Commercial Law**

26 14–4701.

27 (gg) “Sensitive data” means personal data that includes:

- 28 (1) Data revealing:
- 29 (i) Racial or ethnic origin;
 - 30 (ii) Religious beliefs;
 - 31 (iii) Consumer health data;
 - 32 (iv) Sex life;
 - 33 (v) Sexual orientation;

- 1 (vi) Status as transgender or nonbinary;
- 2 (vii) National origin; or
- 3 (viii) Citizenship or immigration status;
- 4 (2) Genetic data or biometric data;
- 5 (3) Personal data of a consumer that the controller knows or has reason to
6 know is a child; or
- 7 (4) Precise geolocation data.

8 Article – General Provisions

9 4–501.

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

- 12 (1) an address;
- 13 (2) a description;
- 14 (3) a fingerprint or voice print;
- 15 (4) a number; or
- 16 (5) a picture.

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

19 (2) Personal information collected for personal records:

20 (i) shall be appropriate and relevant to the [purposes] **LEGITIMATE**
21 **GOVERNMENT PURPOSE** for which it is collected;

22 **(II) SHALL BE LIMITED TO THE MINIMUM AMOUNT OF**
23 **PERSONAL INFORMATION NECESSARY TO ACCOMPLISH THE LEGITIMATE**
24 **GOVERNMENT PURPOSE FOR WHICH IT WAS COLLECTED;**

25 [(ii)] **(III)** shall be accurate and current to the greatest extent
26 practicable; [and]

1 (IV) SHALL NOT BE RETAINED FOR LONGER THAN IS
2 REASONABLY NECESSARY TO FULFILL THE LEGITIMATE GOVERNMENT PURPOSE
3 FOR WHICH IT WAS COLLECTED;

4 (V) IN ACCORDANCE WITH THE UNIT'S RETENTION SCHEDULE
5 OR AS ALLOWED BY LAW, SHALL BE SECURELY DELETED OR DE-IDENTIFIED WHEN
6 NO LONGER NEEDED TO FULFILL THE LEGITIMATE GOVERNMENT PURPOSE FOR
7 WHICH IT WAS COLLECTED; AND

8 [(iii)] (VI) may not be obtained by fraudulent means.

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

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

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

16 (i) the LEGITIMATE GOVERNMENT purpose for which the personal
17 information is collected;

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

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

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

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

26 (4) (I) Each unit of the State shall post A PRIVACY NOTICE AND its
27 privacy policies on the collection of personal information, including the policies specified in
28 this subsection, on its Internet website.

29 (II) THE PRIVACY NOTICE AND PRIVACY POLICIES POSTED
30 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE CONSISTENT WITH THE
31 GUIDELINES, STANDARDS, AND POLICIES ISSUED BY THE DEPARTMENT OF
32 INFORMATION TECHNOLOGY UNDER § 3.5-319 OF THE STATE FINANCE AND
33 PROCUREMENT ARTICLE.

1 (5) The following personal records are exempt from the requirements of
2 this subsection:

3 (i) information concerning the enforcement of criminal laws or the
4 administration of the penal system;

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

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

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

12 **(V) INFORMATION CONTAINED IN APPLICATION OR RENEWAL**
13 **MATERIALS RELATING TO THE LICENSING, REGISTRATION, OR CERTIFICATION OF**
14 **AN INDIVIDUAL FOR AN OCCUPATION OR PROFESSION; AND**

15 [(v)] **(VI)** any other personal records exempted by regulations
16 adopted by the Secretary of Budget and Management, based on the recommendation of the
17 Secretary of Information Technology.

18 (d) (1) This subsection does not apply to:

19 (i) a unit in the Legislative Branch of the State government;

20 (ii) a unit in the Judicial Branch of the State government; or

21 (iii) a board of license commissioners.

22 (2) If a unit or an instrumentality of the State keeps personal records, the
23 unit or instrumentality shall submit an annual report to the Secretary of General Services.

24 (3) An annual report shall state:

25 (i) the name of the unit or instrumentality;

26 (ii) for each set of personal records:

27 1. the name of the set;

28 2. the location of the set; and

29 3. if a subunit keeps the set, the name of the subunit;

1 (iii) for each set of personal records that has not been previously
2 reported:

- 3 1. the category of individuals to whom the set applies;
- 4 2. a brief description of the types of information that the set
5 contains;
- 6 3. the major uses and purposes of the information;
- 7 4. by category, the source of information for the set; and
- 8 5. the policies and procedures of the unit or instrumentality

9 as to:

10 A. access and challenges to the personal record by the person
11 in interest; and

12 B. storage, retrieval, retention, disposal, and security,
13 including controls on access; and

14 (iv) for each set of personal records that has been disposed of or
15 changed significantly since the unit or instrumentality last submitted a report, the
16 information required under item (iii) of this paragraph.

17 (4) A unit or an instrumentality that has two or more sets of personal
18 records may combine the personal records in the report only if the character of the personal
19 records is highly similar.

20 (5) The Secretary of General Services shall adopt regulations that govern
21 the form and method of reporting under this subsection.

22 (6) The annual report shall be available for public inspection.

23 (e) The official custodian may allow inspection of personal records for which
24 inspection otherwise is not authorized by a person who is engaged in a research project if:

- 25 (1) the researcher submits to the official custodian a written request that:
 - 26 (i) describes the purpose of the research project;
 - 27 (ii) describes the intent, if any, to publish the findings;
 - 28 (iii) describes the nature of the requested personal records;

1 (iv) describes the safeguards that the researcher would take to
2 protect the identity of the persons in interest; and

3 (v) states that persons in interest will not be contacted unless the
4 official custodian approves and monitors the contact;

5 (2) the official custodian is satisfied that the proposed safeguards will
6 prevent the disclosure of the identity of persons in interest; and

7 (3) the researcher makes an agreement with the unit or instrumentality
8 that:

9 (i) defines the scope of the research project;

10 (ii) sets out the safeguards for protecting the identity of the persons
11 in interest; and

12 (iii) states that a breach of any condition of the agreement is a breach
13 of contract.

14 Article – State Finance and Procurement

15 3.5–319.

16 (A) EACH UNIT OF STATE GOVERNMENT SHALL DESIGNATE A PRIVACY
17 OFFICER TO OVERSEE COMPLIANCE WITH THIS SUBTITLE AND COORDINATE WITH
18 THE DEPARTMENT AND THE OFFICE OF THE ATTORNEY GENERAL.

19 (B) THE DEPARTMENT SHALL ADOPT REGULATIONS, GUIDANCE, AND
20 MODEL TEMPLATES TO SUPPORT COMPLIANCE WITH THIS SUBTITLE, INCLUDING
21 STANDARD PUBLIC INFORMATION ACT FORMATS AND DATA PROTECTION
22 PROTOCOLS.

23 13–115.

24 (a) The Department of Information Technology shall require basic security, DATA
25 COLLECTION, AND PRIVACY requirements to be included in a contract[:

26 (1) in] UNDER which a third–party contractor will:

27 (1) have access to and use State [telecommunication] INFORMATION
28 TECHNOLOGY equipment, systems, or services; [or]

29 (2) COLLECT, STORE, OR PROCESS PERSONAL INFORMATION AS
30 DEFINED IN § 10–1301 OF THE STATE GOVERNMENT ARTICLE; OR

1 (V) GENETIC AND HEALTH-RELATED DATA, INCLUDING
2 MENTAL HEALTH, SUBSTANCE USE DISORDER, AND DISABILITY; OR

3 (VI) SENSITIVE DATA, AS DEFINED IN § 14-4701 OF THE
4 COMMERCIAL LAW ARTICLE.

5 (2) "Personal information" does not include a voter registration number.
6 10-1702.

7 (a) (1) In this section the following words have the meanings indicated.

8 (2) "Governmental entity" means a unit or instrumentality of State or local
9 government.

10 (3) "Personal record" has the meaning stated in § 4-501 of the General
11 Provisions Article.

12 (4) "SENSITIVE DATA" HAS THE MEANING STATED IN § 14-4701 OF
13 THE COMMERCIAL LAW ARTICLE.

14 (b) (1) Subject to paragraph (2) of this subsection, on or before July 1, 2026,
15 each governmental entity, in consultation with the Department of Information Technology,
16 shall develop and publish procedures that prevent the sale and redisclosure of personal
17 records and geolocation data provided or made available by the governmental entity in a
18 way that harms the privacy of residents of the State.

19 (2) The procedures required and published under paragraph (1) of this
20 subsection shall address:

21 (i) any possible contractual limitations on the sale or redisclosure of
22 personal records or geolocation data that a governmental entity may place on a person who
23 receives personal records or geolocation data that are provided or made available by the
24 governmental entity;

25 (ii) considerations regarding:

26 1. the threat to privacy posed by data brokers who utilize
27 personal records or geolocation data for commercial purposes;

28 2. the risk that personal records or geolocation data may be
29 used for purposes other than the purposes for which the personal records or geolocation
30 data were developed or collected; and

31 3. geolocation, genetic, and other sensitive data; and

- 1 (iii) any other considerations necessary to:
- 2 1. protect the privacy of residents of the State;
- 3 2. discourage the development of a secondary commercial
4 market for personal records or geolocation data that are provided or made available by a
5 governmental entity; and
- 6 3. limit a person who receives personal records or geolocation
7 data that are provided or made available by a governmental entity from selling or
8 disclosing the data with other persons.

9 (c) On or before July 1, 2026, each governmental entity shall, in accordance with
10 § 2-1257 of this article, submit to the General Assembly a copy of the procedures developed
11 under subsection (b) of this section.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.