

# HOUSE BILL 264

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(PRE-FILED)

6lr0274  
CF 6lr0273

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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

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Committee Report: Favorable

House action: Adopted

Read second time: March 7, 2026

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## 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

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**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 redisclosing 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:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.