

SENATE BILL 853

C8, P5, S1

6lr2546

By: **Senator Sydnor**

Introduced and read first time: February 6, 2026

Assigned to: Education, Energy, and the Environment and Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Economic Development Activity – Nondisclosure Agreements**

3 FOR the purpose of prohibiting certain individuals from entering into a nondisclosure
4 agreement with a person involved in an economic development activity, including
5 establishing or operating a data center; including public service companies as an
6 instrumentality of the State for the purpose of the Public Information Act; and
7 generally relating to economic development activity and the Public Information Act.

8 BY repealing and reenacting, with amendments,
9 Article – Courts and Judicial Proceedings
10 Section 2–207(a) and 6–410(a)
11 Annotated Code of Maryland
12 (2020 Replacement Volume and 2025 Supplement)

13 BY adding to
14 Article – Economic Development
15 Section 1.5–101 to be under the new title “Title 1.5. General Provisions”
16 Annotated Code of Maryland
17 (2024 Replacement Volume and 2025 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – General Provisions
20 Section 4–101
21 Annotated Code of Maryland
22 (2019 Replacement Volume and 2025 Supplement)

23 BY repealing and reenacting, without amendments,
24 Article – General Provisions
25 Section 4–103(a) and (b)
26 Annotated Code of Maryland
27 (2019 Replacement Volume and 2025 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Health – General
3 Section 4–217(f)
4 Annotated Code of Maryland
5 (2023 Replacement Volume and 2025 Supplement)

6 BY adding to
7 Article – Local Government
8 Section 1–1321
9 Annotated Code of Maryland
10 (2013 Volume and 2025 Supplement)

11 BY adding to
12 Article – State Government
13 Section 2–1703
14 Annotated Code of Maryland
15 (2021 Replacement Volume and 2025 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Tax – General
18 Section 11–239(a)(1) and (2)
19 Annotated Code of Maryland
20 (2022 Replacement Volume and 2025 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Transportation
23 Section 12–112(d)(1)
24 Annotated Code of Maryland
25 (2020 Replacement Volume and 2025 Supplement)

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

28 **Article – Courts and Judicial Proceedings**

29 2–207.

30 (a) For purposes of this section, “person in interest” has the meaning stated in [§
31 4–101(g)] **§ 4–101** of the General Provisions Article.

32 6–410.

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

34 (2) “Custodian” has the meaning stated in [§ 4–101(d)] **§ 4–101** of the
35 General Provisions Article.

(3) “Public record” has the meaning stated in [§ 4–101(j)] **§ 4–101** of the General Provisions Article.

Article – Economic Development

TITLE 1.5. GENERAL PROVISIONS.

1.5–101.

(A) THIS TITLE APPLIES TO THE EMPLOYEES OF, CONTRACTORS WITH, AND CONSULTANTS TO THE DEPARTMENT OR ANY OTHER ENTITY OR PROGRAM GOVERNED BY THIS ARTICLE.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN INDIVIDUAL MAY NOT ENTER INTO A NONDISCLOSURE AGREEMENT WITH A PERSON INVOLVED IN AN ECONOMIC DEVELOPMENT ACTIVITY, INCLUDING A PERSON INVOLVED IN ESTABLISHING OR OPERATING A DATA CENTER AS DEFINED IN § 11–239 OF THE TAX – GENERAL ARTICLE.

Article – General Provisions

4–101.

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

(b) “Applicant” means a person or governmental unit that asks to inspect a public record.

(c) “Board” means the State Public Information Act Compliance Board.

(d) “Custodian” means:

(1) the official custodian; or

(2) any other authorized individual who has physical custody and control of a public record.

(e) “INSTRUMENTALITY OF THE STATE” INCLUDES A PUBLIC SERVICE COMPANY AS DEFINED IN § 1–101 OF THE PUBLIC UTILITIES ARTICLE.

(F) “News media” means:

(1) newspapers;

(2) magazines;

(3) journals;

(4) press associations;

(5) news agencies;

(6) wire services;

(7) radio;

(8) television; and

(9) any printed, photographic, mechanical, or electronic means of disseminating news and information to the public.

[(f)] (G) “Official custodian” means an officer or employee of the State or of a political subdivision who is responsible for keeping a public record, whether or not the officer or employee has physical custody and control of the public record.

[(g)] (H) “Person in interest” means:

(1) a person or governmental unit that is the subject of a public record or a designee of the person or governmental unit;

(2) if the person has a legal disability, the parent or legal representative of the person; or

(3) as to requests for correction of certificates of death under § 5–310(d)(2) of the Health – General Article, the spouse, adult child, parent, adult sibling, grandparent, or guardian of the person of the deceased at the time of the deceased’s death.

[(h)] (I) (1) “Personal information” means information that identifies an individual.

(2) Except as provided in § 4–355 of this title, “personal information” includes an individual’s:

(i) name;

(ii) address;

(iii) e–mail address;

(iv) driver’s license number or any other identification number;

- (v) medical or disability information;
- (vi) photograph or computer-generated image;
- (vii) Social Security number; and
- (viii) telephone number.

(3) “Personal information” does not include an individual’s:

- (i) driver’s status;
- (ii) driving offenses;
- (iii) five-digit zip code; or
- (iv) information on vehicular accidents.

[(i)] (J) “Police officer” has the meaning stated in § 3–201 of the Public Safety Article.

[(j)] (K) “Political subdivision” means:

- (1) a county;
- (2) a municipal corporation;
- (3) an unincorporated town;
- (4) a school district; or
- (5) a special district.

[(k)] (L) (1) “Public record” means the original or any copy of any documentary material that:

(i) is made by a unit or an instrumentality of the State or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business; and

(ii) is in any form, including:

- 1. a card;
- 2. a computerized record;
- 3. correspondence;

4. a drawing;
5. film or microfilm;
6. a form;
7. a map;
8. a photograph or photostat;
9. a recording; or
10. a tape.

(2) “Public record” includes a document that lists the salary of an employee of a unit or an instrumentality of the State or of a political subdivision.

(3) “Public record” does not include:

(i) a digital photographic image or signature of an individual, or the actual stored data of the image or signature, recorded by the Motor Vehicle Administration; or

(ii) a record or any information submitted to the Public Access Ombudsman or the Board under Subtitle 1B of this title.

[1)] (M) “Technical infraction” means a minor rule violation by an individual solely related to the enforcement of administrative rules that:

(1) does not involve an interaction between a member of the public and the individual;

(2) does not relate to the individual’s investigative, enforcement, training, supervision, or reporting responsibilities; and

(3) is not otherwise a matter of public concern.

4–103.

(a) All persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees.

(b) To carry out the right set forth in subsection (a) of this section, unless an unwarranted invasion of the privacy of a person in interest would result, this title shall be construed in favor of allowing inspection of a public record, with the least cost and least delay to the person or governmental unit that requests the inspection.

Article – Health – General

4–217.

(f) The Secretary shall include with every copy of a death certificate that is completed by the Chief Medical Examiner a notice that advises a person in interest, as defined in [§ 4–101(g)] **§ 4–101** of the General Provisions Article, of the right to appeal a denial by the Chief Medical Examiner of a request to correct findings and conclusions as to the cause and manner of death recorded on a death certificate as provided under § 5–310(d) of this article.

Article – Local Government

1–1321.

(A) THIS SECTION APPLIES TO:

(1) A GOVERNING BODY; AND

(2) THE EMPLOYEES OF, CONTRACTORS WITH, AND CONSULTANTS TO A GOVERNING BODY OR ANY OTHER ENTITY OR PROGRAM GOVERNED BY THIS ARTICLE.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN INDIVIDUAL MAY NOT ENTER INTO A NONDISCLOSURE AGREEMENT WITH A PERSON INVOLVED IN AN ECONOMIC DEVELOPMENT ACTIVITY, INCLUDING A PERSON INVOLVED IN ESTABLISHING OR OPERATING A DATA CENTER AS DEFINED IN § 11–239 OF THE TAX – GENERAL ARTICLE.

Article – State Government

2–1703.

(A) THIS SECTION APPLIES TO:

(1) A LEGISLATOR; AND

(2) AN EMPLOYEE OF, CONTRACTOR WITH, AND CONSULTANT TO A LEGISLATOR OR THE GENERAL ASSEMBLY.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN INDIVIDUAL MAY NOT ENTER INTO A NONDISCLOSURE AGREEMENT WITH A PERSON INVOLVED IN AN ECONOMIC DEVELOPMENT ACTIVITY, INCLUDING A PERSON INVOLVED IN

**ESTABLISHING OR OPERATING A DATA CENTER AS DEFINED IN § 11-239 OF THE TAX
– GENERAL ARTICLE.**

Article – Tax – General

11-239.

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

(2) “Data center” means a building or group of buildings used to house computer systems, computer storage equipment, and associated infrastructure that businesses or other organizations use to organize, process, store, and disseminate large amounts of data.

Article – Transportation

12-112.

(d) (1) (i) In this subsection the following terms have the meanings indicated.

(ii) “Personal information” has the meaning indicated in [§ 4-101(g)] § 4-101 of the General Provisions Article.

(iii) “Telephone solicitation” has the meaning indicated in § 4-320(a) of the General Provisions Article.

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