

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 121 (Senator Hester)
Education, Energy, and the Environment

Personal Information - Public Servant Protections

This bill establishes the Public Servant Address Confidentiality Program, administered by the Secretary of State (SOS), with the purpose of safeguarding the personal information, including a home address, of specified elected officials, public servants, and law enforcement officers. The bill authorizes a “protected individual” to request that a person or governmental entity not publish the individual’s “personal information” or remove such information from an existing publication, as specified. The bill also establishes related requirements and procedures, and penalties for noncompliance.

Fiscal Summary

State Effect: General fund expenditures increase by *at least* \$782,500; future years reflect annualization and the termination of one-time costs, as discussed below. The bill’s penalty provision is not expected to have a material effect on general fund revenues.

(in dollars)	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	782,500	196,800	205,800	214,900	224,100
Net Effect	(\$782,500)	(\$196,800)	(\$205,800)	(\$214,900)	(\$224,100)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill has no material effect on local government operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary:

Selected Definitions

“Personal information” means a home address, home telephone number, mobile telephone number, personal email address, Social Security number, driver’s license number, federal tax identification number, bank account number, credit or debit card number, license plate number or unique identifier of a vehicle, birth or marital record, child’s name, school or daycare, place of worship, or, for specified protected individuals, a place of employment.

“Personal information” does not include information that (1) has been publicly disclosed with the consent of the protected individual or (2) is relevant to and displayed as part of a news story, commentary, editorial, or other speech on matters of public concern.

“Protected individual” means:

- an attorney employed by the Office of the Attorney General (OAG);
- the State Prosecutor;
- a State’s Attorney or Assistant State’s Attorney;
- a U.S. Attorney or other federal prosecutor residing in the State;
- a current or retired law enforcement officer, as defined under the Public Safety Article;
- a current or retired member of a police force or other unit of the United States who resides in the State and is responsible for the prevention and detection of crime and the enforcement of the criminal laws of the United States;
- a federal, State, or local elected official; or
- a spouse, child, or dependent who resides in the same household as an individual described above.

“Publish” means to post or otherwise make available to the general public on the Internet, social media, or social networks.

Personal Information of Protected Individuals – Request to Not Publish or Remove from Publication

Governmental Entities: A request to not publish or remove personal information must (1) be in writing and sent by certified mail or email; (2) include sufficient information to confirm the requester’s identity as a protected individual; and (3) adequately identify the document, posting, or other publication containing the personal information.

A governmental entity must promptly acknowledge receipt of the request, as specified. A governmental entity or person who receives a request must (1) take steps reasonably necessary to ensure that the personal information is not published or (2) if already published, provide for the removal of the personal information within 72 hours after receipt of the request. A person must notify the protected individual of the removal.

Enforcement Provisions

Civil Remedies: A protected individual or OAG may bring a civil action against a governmental entity or a person for violating the aforementioned provisions. The action may seek declaratory relief, injunctive relief, or reasonable attorney's fees. An action *against a person* may also seek damages incurred as a result of a violation. In addition, punitive damages may be awarded if the court finds that a person willfully refused to remove personal information of a protected individual, as specified.

Criminal Penalty: An individual may not knowingly publish the personal information of a protected individual if (1) the individual knows or reasonably should know that publishing the personal information poses an imminent and serious threat to the protected individual and (2) the publishing results in an assault in any degree, harassment, trespass, or malicious destruction of property. A violator is guilty of a misdemeanor and subject to a maximum penalty of 18 months' imprisonment and/or a \$5,000 fine.

Public Service Address Confidentiality Program

SOS must establish and administer a Public Service Address Confidentiality Program for protected individuals. The purpose of the program is to:

- enable State and local agencies to respond to requests for public records without disclosing the actual address of a program participant;
- encourage interagency cooperation in providing address confidentiality for program participants; and
- allow governmental entities and persons to accept a program participants use of an address as designated by SOS as a substitute address.

Protected individuals may apply to participate in the program in the manner required by SOS. On receipt of an application, SOS must determine whether the applicant qualifies as a program participant.

Requests from the Protected Individuals and Protection of Records: A program participant may request that:

- a person or governmental entity use a substitute address designated by SOS as the program participant's address;
- a program participant's actual address be shielded from public inspection in a record maintained by a governmental entity; and
- real property records be shielded on behalf of a program participant who has an ownership interest in real property, in accordance with recordation procedures for participants of the Address Confidentiality Program administered by SOS (the bill makes some conforming changes to extend applicability to the participants in the Public Service Address Confidentiality Program established under the bill).

A person or governmental entity must promptly acknowledge receipt of the request, as specified, and take steps reasonably necessary to comply.

A custodian of record may:

- maintain a copy of a record containing a program participant's actual address in a separate secure area to which persons who do not have a legitimate reason for access are denied access;
- permit public inspection of a record with the consent of the program participant;
- permit public inspection of a record with the actual address redacted from the record; or
- after notification to the program participant, permit public inspection of a record if the inspection will further a substantial public interest or a legitimate business need.

Each local board of elections must use a program participant's actual address for all election-related purposes. A program participant may not use the substitute address designated by SOS as the program participant's address for voter registration, a certificate of candidacy, or campaign finance reporting requirements, as specified under the Election Law Article. A local board of elections is prohibited from making a program participant's address contained in specified elections-related documentation except (1) on request by a law enforcement agency for law enforcement purposes; (2) as directed by a court order to disclose the address; and (3) for a program participant who is an election official, as required under State election law.

A record of a program participant's actual address and telephone number maintained by SOS or a governmental entity is not a public record under the Maryland Public Information Act (PIA).

Enforcement Provision: A protected individual or OAG may bring a civil action for declaratory relief, injunctive relief, or reasonable attorney's fees against a person who knowingly discloses a program participant's actual address.

Current Law:

Judge Andrew F. Wilkinson Judicial Security Act

Chapters 414 and 415 of 2024 established the Office of Information Privacy within the Administrative Office of the Courts (AOC). Generally, a “protected individual,” or the Office of Information Privacy on behalf of the individual, is authorized to make a request for a person or governmental entity to not publish “personal information” of the protected individual. The Acts also establish the Judicial Address Confidentiality Program for the general purpose of safeguarding the actual address of a program participant in relation to public records or inspection, including the shielding of real property records, as specified.

The bill’s proposed processes regarding the removal of personal information of protected individuals and Public Servant Address Confidentiality Program are structured similarly to the provisions established under Chapters 414 and 415.

Maryland’s Public Information Act

PIA establishes that all persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees. Each governmental unit that maintains public records must identify a representative whom a member of the public may contact to request a public record. OAG must post all such contact information on its website and in any *Public Information Act Manual* published by OAG.

Under PIA, “public record” means the original (or any copy) of any documentary material that (1) 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 (2) is in any form, as further specified.

Duties of Custodians

Generally, a custodian of a public record must permit inspection of any public record at any reasonable time. A custodian must designate types of public records that are to be made available to any applicant immediately on request and maintain a current list of the types of public records that have been so designated. Each custodian must adopt reasonable rules or regulations that, consistent with PIA, govern timely production and inspection of a public record. Chapter 658 of 2021, effective July 1, 2022, requires each official custodian to adopt a policy of proactive disclosure of public records that are available for inspection under PIA, as specified.

Required Denials: A custodian must deny inspection of a public record or any part of a public record if (1) the public record is privileged or confidential by law or (2) the

inspection would be contrary to a State statute, a federal statute or regulation, the Maryland Rules, or an order of a court of record. PIA also requires denial of inspection for specified personal and confidential records and information, including, for example, personnel and student records, hospital records, specified medical and financial information, and shielded criminal and police records. In general, PIA requires denial of inspection for the part of a public record that contains the home address, personal telephone number, or personal email address of an employee of a unit of an instrumentality of the State or of a political subdivision unless (1) the employee gives permission for the inspection or (2) the unit or instrumentality that employs the individual determines that inspection is needed to protect the public interest.

Discretionary Denials: Unless otherwise specified, if a custodian believes that inspection of a part of a public record by an applicant would be contrary to the public interest, the custodian may deny inspection to the applicant of that part of the record. PIA specifies the types of records and information that are eligible for discretionary denials, including documents that would not be available through discovery in a lawsuit.

Procedure for Denial: A custodian who denies inspection of a public record must, within 10 working days, provide a written statement to the applicant that gives (1) the reason for denial; (2) if denying a part of a record on a discretionary basis, a brief explanation of why the denial is necessary and why redacting information would not address the reasons for the denial; (3) the legal authority for the denial; (4) a brief description of the undisclosed record (without disclosing the protected information); and (5) notice of the available statutory remedies.

Recordation of Instruments for Address Confidentiality Program Participants

As referenced above, the existing Address Confidentiality Program (unchanged by the bill) is administered by the Secretary of State to provide address confidentiality to survivors of threatened, attempted, or actual domestic violence, sexual assault, stalking, harassment, or human trafficking. Program participants who acquire an ownership interest in real property while participating in the program may request the shielding of real property records concerning the property.

In general, to shield the real property records, a program participant must submit specified information to the clerk of the circuit court and the appropriate county finance office, including the deed or other instrument to be recorded and specified notice of program participation that includes, among other items, a substitute address designated by the Secretary of State to be used as the program participant's address. The clerk of the circuit court must provide a copy of the notice to the State Department of Assessments and Taxation (SDAT) and the State Archives. The notice is not a public record under PIA and, subject to limited exceptions, a clerk and any State or local agency that receives notice may

not disclose the program participant's identity information in conjunction with the property identified in the notice.

The clerks of the circuit courts and AOC must establish uniform statewide procedures for recording deeds and other instruments under the Address Confidentiality Program. The procedures must, at a minimum, include provisions for (1) shielding recorded instruments that contain a participant's actual address or identity information and (2) providing notice to the public of the existence of a shielded instrument and instructions for requesting access to the shielded instrument in accordance with statutory provisions that govern authorized disclosures for purposes of a *bona fide* title examination. All State and local agencies must similarly establish uniform procedures for maintaining related records, including tax, utility, and zoning records.

Miscellaneous

Under § 1-114 of the General Provisions Article, a "person" includes an individual, receiver, trustee, guardian, personal representative, fiduciary, representative of any kind, corporation, partnership, business trust, statutory trust, limited liability company, firm, association, or other nongovernmental entity.

State Fiscal Effect: General fund expenditures increase by *at least* \$782,483 in fiscal 2027 for one-time online portal upgrades and related training programs for the State Ethics Commission (SEC), and additional staff and new software for the program. These effects are discussed in more detail below.

State Ethics Commission – Programming Costs

The Public Ethics Law requires financial disclosure filers to disclose information related to ownership interests or lease interests in real property, employment of the filer and the filer's spouse, and employment information of a dependent child if the dependent child's employer does business with the filer's governmental unit. SEC advises that in order to meet the bill's requirements regarding the removal of a protected individual's personal information upon request of specified entities, SEC must update its electronic financial disclosure system and related training programs. Therefore, general fund expenditures increase by \$115,000 only in fiscal 2027 for SEC to hire contractors to update its electronic financial disclosure system and update its training programs.

Secretary of State – Public Servant Address Confidentiality Program Costs

SOS advises that in order to establish the new program, it must (1) hire two Address Confidentiality Specialists (one full-time employee and one contractual employee) to staff

the Address Confidentiality Program established under the bill and (2) procure a vendor to develop the underlying program software platform and provide ongoing support.

The Department of Legislative Services (DLS) partially disagrees. As the existing Address Confidentiality Program is fully subscribed, a new program is warranted to meet the bill's requirements, including the need for additional staff. However, as the program is not temporary, staffing can be performed by full-time employees rather than contractual staff.

Therefore, general fund expenditures increase by \$667,483 in fiscal 2027, which accounts for the bill's October 1, 2026 effective date. This estimate reflects the cost of (1) hiring two specialists to administer the Public Service Address Confidentiality Program and (2) procuring a software platform to host the program. It includes salaries, fringe benefits, one-time start-up costs, rent, and ongoing operating expenses.

Positions	2.0
Salaries and Fringe Benefits	\$144,746
Information Technology Costs	500,000
Other Operating Expenses	<u>22,737</u>
Total FY 2027 SOS Expenditures	\$667,483

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses and the termination of one-time expenditures. General fund expenditures increase in future years by an indeterminate amount (less than \$500,000 annually) to operate and maintain the software platform that hosts the program.

Other Effects

Most agencies and local governments advise that the bill does not have a material fiscal or operational effect on them. However, several agencies responded that the bill may require additional resources or result in other operational impacts. Those responses are detailed below.

The Department of State Police (DSP) advises that if the bill is intended to only protect the personal information of protected individuals from being posted on its website, then DSP can handle the bill's requirements with existing resources. However, if the bill is intended to require it to remove personal information of protected individuals from previously produced documents relating to traffic accident or incident reports and related camera systems, then DSP advises it requires approximately \$1.65 million in fiscal 2027 to procure a consultant to procure software to retroactively retract previously released information and automatically blur vehicle license plate information from traffic cameras. *For*

illustrative purposes only, DSP advises that it received 37,885 requests for motor vehicle crash reports and 2,601 incident reports from the public during fiscal 2025.

The Maryland Department of Planning (MDP) advises that it downloads data from SDAT containing owner names, addresses, and premise addresses on a monthly basis. MDP advises that in order to verify program participant eligibility and ensure it meets the 72-hour response requirement, it must hire one database administrator at an estimated cost of \$89,300 in fiscal 2027. The Maryland State Archives advises that during fiscal 2025, it shielded approximately 1,500 land records of eligible program participants under the Wilkinson Act and Safe at Home programs, and anticipates that, due to the substantially greater number of eligible participants under the program established by the bill, it must hire one archivist trainee at a cost of approximately \$64,900 in fiscal 2027.

The Judiciary advises that it does not anticipate a significant operational or fiscal impact on the District Court, but the circuit courts may experience a more noticeable impact because of the volume and types of data they handle; however, any such impact cannot be estimated without experience under the bill. The Department of Public Safety and Correctional Services advises that while it can implement the bill with existing resources, the bill does not explicitly provide for any exceptions for individuals who otherwise must register with the Maryland Sex Offender Registry.

DLS cannot independently verify the aforementioned estimates without empirical data regarding the volume of protected individuals who request that their information to be removed, the processes used by each individual information technology (IT) system to maintain and protect that data, and greater clarity regarding legal interpretations of the bill's requirements. To the extent State agencies must hire additional staff or procure contractual services to update their IT systems, general fund expenditures increase further beginning fiscal 2027. However, any such costs cannot be reliably estimated.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Baltimore City; Harford and Montgomery counties; cities of College Park and Frostburg; Maryland Municipal League; Alcohol, Tobacco, and Cannabis Commission; Maryland Cannabis Administration; Office of the Attorney General; Comptroller's Office; Secretary of State; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public

Defender; Maryland State's Attorneys' Association; State Prosecutor's Office; Maryland State Department of Education; Baltimore City Community College; University System of Maryland; St. Mary's College of Maryland; Maryland Department of Agriculture; Maryland Department of the Environment; Department of General Services; Maryland Department of Health; Department of Human Services; Maryland Department of Labor; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Veterans and Military Families; State Ethics Commission; Maryland State Lottery and Gaming Control Agency; Public Service Commission; Anne Arundel County Public Schools; Frederick County Public Schools; Wicomico County Public Schools; Department of Legislative Services

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