



LARRY HOGAN
GOVERNOR

STATE HOUSE
100 STATE CIRCLE
ANNAPOLIS, MARYLAND 21401-1925
(410) 974-3901
(TOLL FREE) 1-800-811-8336

TTY USERS CALL VIA MD RELAY

**Senate Bill 274 - State Government - Protection of Information - Revisions
(Maryland Data Privacy Act)**

Position: Support (with Amendments)

Senate Education, Health, and Environment Affairs Committee

February 13, 2020

Testimony By:

Erin Chase, Deputy Legislative Officer, Governor's Legislative Office

Chair Pinsky, Vice Chair Kagan, and Members of the Senate Education, Health, and Environmental Affairs Committee:

The Hogan-Rutherford Administration understands and recognizes the importance of strengthening our cybersecurity, privacy, and data governance policies, and is committed to protecting the personally identifiable information (PII) of Maryland's citizens and those who do business with the state. When citizens interact with the state government, they have the expectation that their PII, such as social security numbers, bank account numbers, and biometric information, is being handled with the utmost confidentiality and integrity, and we have an obligation to uphold that trust. Senate Bill 274 will update our statute to clearly provide for the protections of PII that our citizens deserve.

Currently, Maryland's statute does not provide a strong legal basis for the protection of an individual's PII. State agencies use their own frameworks to protect data, and while many of these agencies may employ best practices for addressing privacy, it is important that the statute be updated to streamline all standards and guidance to ensure that data is being uniformly protected across the executive branch of state government. The state is ultimately accountable and responsible for the protection of this private and sensitive information, and it is crucial that our statute accurately reflect that.

The Maryland Data Privacy Act will amend and strengthen Maryland's law by better defining personally identifiable information, and require the implementation and compliance with standards that mirror federal policies and procedures, which would reflect current best practices. These practices will provide individuals with insight into how and why their PII is being collected and used. Agencies will be required to institute policies such as identifying and documenting the legal authority for the collection of such data; notifying the individual when PII is being collected; describing the purpose for collection; and informing the individual or public of the practices and activities regarding the use of their PII including any rights the individual or public has to decline, correct or review the PII. This bill will prove to be an effective tool to help state agencies best secure and manage PII while also providing transparency to citizens so that they better understand how and why their data is being used.

As we continue to bolster our state's position on issues relating to cybersecurity, Maryland must have a consistent and responsible law that sets one standard to provide the assurance to our constituents that their information is being collected, stored, shared, and disposed of in a secure and uniform manner.

For these reasons, the Administration respectfully requests a favorable report on Senate Bill 274.

For additional information, please contact Erin Chase at erin.chase1@maryland.gov or 410-974-3336.

Proposed Amendment:

On page 6 replace lines 22 through 29 with:

EACH UNIT SHALL COMPLY WITH STANDARDS AND GUIDELINES SET FORTH BY THE DEPARTMENT OF INFORMATION TECHNOLOGY, TO ENSURE THAT THE SECURITY OF ALL INFORMATION SYSTEMS AND APPLICATIONS IS MANAGED THROUGH STATE SPECIFIED RISK MANAGEMENT FRAMEWORK;

1. THE SYSTEM IS CATEGORIZED BASED ON AN ANALYSIS OF THE STATE SYSTEM CATEGORIZATION CRITERIA;