

# **Sen. Kagan\_SB588\_USM Privacy - Testimony**

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Position: FAV

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—  
Vice Chair  
Education, Health, and  
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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**SB588: State Government - Protection of Personally Identifiable Information -  
University System of Maryland  
Senate Education, Health and Environmental Affairs Committee  
Wednesday, February 12, 2020, 1:00 PM**

Last year, HB716 sought to create a comprehensive DoIT framework for the Executive Branch and local governments to protect personally identifiable information (PII). Leaders at the University System of Maryland (USM) asked to be exempted from the package last year to create a comprehensive plan of their own.

SB588 addresses the specific needs of higher education institutions and the data they maintain. I am impressed with the effort the USM team has made to create a comprehensive, first-in-the-nation regulatory framework.

SB588 would enable the University System to take important steps to strengthen safeguards on personal information. Colleges would only be able to collect information that is actually needed. USM must develop and adopt an information security and risk management program for the protection of PII. Third-party access is restricted and ensures that they are in compliance with the University's privacy governance program. The bill also creates a process for students to appeal a request for PII or to opt out of allowing their data to be shared with third parties.

USM schools must post a privacy notice on their website. In the event of a significant security breach (impacting 1,000 or more people), they must provide a notice about the breach on their website so that those affected will be able to find additional information. We have an amendment that will require that the breach notice remain on the website for one year, instead of the five years that the current bill language mandates.

I've enjoyed working with USM and its talented IT professionals on this plan. I urge a favorable report on SB588.

# **USM\_Patrick Hogan\_FWA\_SB0588**

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Position: FWA



**SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE**

**Senate Bill 588**

**State Government - Protection of Personally Identifiable Information - University**

**System of Maryland**

**February 12, 2020**

**Favorable with Amendment**

**Patrick Hogan, Vice Chancellor for Government Relations**

Chair Pinsky, Vice Chair Kagan and committee members, thank you for the opportunity to share our thoughts on Senate Bill 588. The bill expands security protocols that govern the collection, processing, sharing, and disposal of personally identifiable information (PII) by the University System of Maryland (USM).

The USM institutions currently do not have a comprehensive privacy program. This bill establishes the requirement for the development and implementation of privacy programs systemwide. These programs give our community members and the public the ability to have greater transparency around the data we collect and give individuals greater control over the data we hold about them. The bill also requires that we provide clear privacy policies and notice so that community members know about the programs and how to access them.

The USM is working with the sponsor and seeking amendments that are intended to correct mostly interpretative language.

The USM takes privacy and security of the information we hold seriously. Last year, the USM convened a multi-stakeholder group of legal and technical experts to work through the best ways to address privacy and security in our communities. Senate Bill 588 is the result of several months of discussion by many experts and conforms to the direction other states and countries are taking related to privacy. The features in Senate Bill 588 to enhance privacy across the higher education community include a broad definition of Personally Identifiable Information that should capture all the different forms of information that could relate to an individual.

In addition, the bill forms a condition that institutions create a privacy program that grants individuals several rights including the right to request: a listing of the information held about an individual, the correction of information that the individual feels is inaccurate, and the deletion of information about the individual that the university may have no reason to hold.

The bill also requires institutions have an information security and risk management program and that the program be periodically reviewed by a third party and that each university publish a privacy notice, on the university's website, that informs individuals of their rights.

The USM requests a favorable report on Senate Bill 588.

# **USM\_SB0588\_USM\_FWA\_Hogan**

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**SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE**

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The USM requests a favorable report on Senate Bill 588.