



House Health & Government Operations Committee

TESTIMONY

Submitted by Dr. Craig Klimczak

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BILL: HB 1122 – State Government – Protection of Information – Revisions (Maryland Data Privacy Act)

POSITION: Favorable with Amendments

The Maryland Community Colleges' Technology Officers acknowledge the importance of protecting student data and privacy; and notes that both HB340 and HB1122 address these issues. The Maryland Community Colleges' Technology Officers request that community colleges be inserted in the provisions of HB1122 and its companion bill, SB588, in the Senate.

It is our understanding that the Senate sponsor to the companion measure has offered an amendment to include community colleges. Upon further review, we find that we need one further amendment that we hope the committee will consider. On page 10 that in the event of a breach, notify the community college Chief Information Officer of the breach.

RATIONALE:

Maryland Community Colleges' Technology Officers agree with the intent of the legislation and believe that the provisions included in HB1122 more closely match the federal laws and regulations that apply to community colleges. Community colleges are subject to and held in compliance to privacy legislation for many years by the federal statute Family Educational Rights and Privacy Act (FERPA) passed in 1974. This law and its associated federal regulation provide rules for disclosure of personally identifiable information to third parties, issues of consent, and issues of accuracy and correction.

Community colleges operate and are subject to same federal laws and regulations as the University System of Maryland. The provisions in HB1122 protects the privacy of Maryland citizens and is consistent with federal legislation and regulations currently imposed on public institutions of higher education.

Community colleges need time and resources to implement the provisions of this bill. HB1122 provides additional implementation time by becoming effective on October 1, 2022. Most community colleges have not had a chance to analyze the impact of this bill or estimate the cost to be compliant. Although implementation will require investment of resources, the delayed effective date provides time to complete the analysis and evaluate the investments needed.

Community colleges are the most efficient providers of higher education in Maryland. Therefore, small increases in expense have a greater negative effect on available budgets. Your support is needed to offset these negative impacts.

In closing, we ask that you place all community colleges under the provisions inserted for the University of Maryland System schools. Doing so will provide a consistent set of privacy measures for public higher education institutions in the state of Maryland. .