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February 10, 2021

The Honorable Delores G. Kelley
The Honorable Susan Lee
3 East, Miller Senate Office Building
Annapolis, MD 21401

RE: Senate Bill 112 - Commercial Law - Personal Information Protection Act – Revisions – Letter of Information

Dear Chair Kelley and Members of the Senate Finance Committee,

I am writing this letter of information on behalf of my client, T. Rowe Price Group, Inc. We have met with Committee Counsel and wish to share our comments on certain provisions of Senate Bill 112 with the Committee.

Our chief concerns with this legislation are as follows:

- On page 6, in lines 7-15, the current thresholds to have the option to give substitute notice of a breach have been removed. Under these requirements in current law, to give substitute notice a business either demonstrates that the cost of the notice would exceed \$100,000 or that the class of individuals to be notified exceed 175,000, or there is insufficient contact information to give actual notice.

While we believe the above existing statutory model has worked, the new language at lines 13-15 on page 6 would add substitute-like notice provisions (e.g., website, media, email) even when actual notice to impacted individuals has been given by letter, email (for those who have already consented to electronic notices), or phone. This will create confusion for those already notified by letter, for example, and worry for those who have not been impacted at all but see a website or media notice.

If the General Assembly determines that a change to the current model is necessary, it could simply remove the \$100,000/175,000 individual standard in lines 8-10 on page 6, and retain substitute notice for situations where there is insufficient contact information for actual notice.

- On page 5, at line 25, shortening the notice period from 30 to 7 days is impracticable. As an example, if a law enforcement agency makes a determination a day or two in advance of a holiday, such as Christmas or New Years, issuing a notification in a 7 day period would be extremely difficult. It is highly likely that information from law enforcement relating to the closing of the investigation will impact the contents of the letter to impacted individuals and to the Maryland Attorney General. We recommend retaining the 30-day period or making a modest adjustment to it.
- On page 6, at line 22, there is new language requiring extensive notification through the media in areas where the individuals affected are likely to reside. There should be a limitation in this language to the State of Maryland.
- On page 5, at line 2, the notice period has been shortened from 45 days to 10 days. Again, this is impracticable for compliance purposes. Although the period should be longer, a possible compromise could be where the business sends two notifications: one notification directly to impacted individuals under Subsection (b) of

Section 14-3504, and one notification to the owner or licensee of the personal information under paragraph (1) of Section 14-3504(c) at the same time. Again, the preference would be to retain the current 45 day notice period.

On behalf of T. Rowe Price we respectfully offer these comments and suggestions for the consideration of the Committee as it deliberates Senate Bill 112.

Very truly yours,

A handwritten signature in black ink, reading "Bryson Popham". The signature is fluid and cursive, with the first name "Bryson" and last name "Popham" clearly legible.

Bryson F. Popham

cc: Members of the Senate Finance Committee
Patrick Carlson