



Senate Bill 351

State Government – Protection of Information – Revisions (Maryland Data Privacy Act)

MACo Position: **OPPOSE**

To: Health and Government Operations
Committee

Date: March 31, 2021

From: Alex Butler

The Maryland Association of Counties (MACo) **OPPOSES** SB 351. This bill alters Maryland's Data Privacy Act in several ways that make it difficult for local governments to implement. MACo believes that all provisions of this bill should pertain only to state agencies.

SB 351 would alter the list of data that requires protection under the Maryland Data Privacy Act. Instead of being a list of types of data to protect, government officials would have to evaluate each type of data in each situation to determine if it might be combined with something else that could reveal identity. This is impractical and will lead to inconsistency. It is unclear how a local government will be able to explain to software and IT vendors which information is subject to the law's privacy requirements.

The bill expands Maryland's Data Privacy Act to govern when information can be shared within the government itself. The bill does this by adding a prohibition on sharing "personally identifiable information" within a government unless it is for a public safety, public health, or similar listed purpose. This directly conflicts with the Maryland Public Information Act, which governs when certain personal information can be shared between one unit of government and another. However, language in SB 351 purports that it does not alter or supersede the Public Information Act. The Maryland Data Privacy Act should not contain any language on data sharing.

Additionally, the bill as written would retroactively impact all contracts after July 1, 2014. This would impact contracts that local governments have already formed and acted upon.

These changes to the Maryland Data Privacy Act would make it much more difficult for local governments to implement and therefore MACo respectfully requests an **UNFAVORABLE** report on SB 351.