
To: Members of the House Judiciary Committee

From: William A. O’Connell, Chair, Legislative Committee, Real Property Section

Date: February 22, 2021

Subject: **HB 686** – Court Officials - Public Disclosure of Personal Information

Position: **Technical Comments**

The Maryland State Bar Association (MSBA) Real Property Section offers **technical comments to House Bill 686 – Court Officials - Public Disclosure of Personal Information**. This bill seeks to allow current and former judges and prosecutors and their immediate family members to make a written request to a person to remove their home address and telephone number from the Internet or other place that is made publicly available through other means of publication or posting. A person who receives such a request must remove the information within 72 hours.

While we agree that current and former judges and prosecutors and their immediate family members should be protected from unwanted disclosure of their address and telephone numbers, we are not sure how many would comply with the proposed law. Every deed and deed of trust that gets recorded in the land records contains the name and address of the owner of the property and the tax identification number for the property. Such recorded instruments become publicly available on the internet through MDLandRecs. In addition, the name and address of every landowner in the state is made publicly available on the State Department of Assessments and Taxation’s website. In addition, the bill does not make clear who the “person” is that is supposed to remove the information. Would a “person” be a title insurance producer who submitted the documents for recording in the land records? Is it the lender whose loan is secured by the deed of trust? Or is it the State whose website hosts the information?

If the bill is intended to apply to social media such a facebook, twitter and the host of other social media platforms, perhaps that should be spelled out. If the bill is intended to apply to land records as well, perhaps this class of persons could be folded into the Secretary of State’s Address Confidentiality Program that can be found in MD Code, Real Property Article § 3-114 *et seq.*

Thank you for your consideration. Please do not hesitate to contact me at (443) 741-4536 or waoconnell@firstam.com.

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