



SENATE FINANCE COMMITTEE
Senate Bill 698
Consumer Protection – Online and Biometric Data Privacy
March 8, 2023
Favorable with Amendment

Chair Griffith, Vice Chair Klausmeier and committee members, thank you for the opportunity to share our thoughts on Senate Bill 698. The bill makes broad changes to the structure of privacy across the State of Maryland. The University System of Maryland (USM) recognizes the sensitivity of the information we are entrusted to hold and the importance of keeping that information private. With that in mind, the USM worked during the 2020 legislative session to pass a Maryland higher education privacy law that is appropriate for higher education institutions (2020 HB1122/SB588). The bills that passed in the 2020 session are set to go into effect in October 2024, and all USM institutions are currently working to implement the 2020 requirements.

USM institutions, and all public higher education institutions in general, operate very differently from the agencies of the executive branch or private enterprises. Public higher education institutions function much more like small cities than business entities. Public higher education institutions operate broad and wide-ranging education and research enterprises, covering a multitude of topic areas and types of information. Public higher education institutions also conduct activities related to many other verticals including (but not limited to) healthcare, housing, food service, guest services, and event management. Lastly, the USM institutions all have a unique and varied educational research function that carries its own set of unique compliance and cybersecurity requirements. The varied, city-like nature of the operations of public higher education means that public higher education institutions hold many categories of information.

Senate Bill 698 exempts various categories of information that could apply to an educational institution such as education records, health records, and human subjects research information; but public higher education institutions have many types of information that are not expressly carved out of Senate Bill 698. As written, Senate Bill 698 would cause public higher education institutions to have two, in some cases conflicting, privacy laws to have to comply with and manage.

Given that the USM and public higher education in general already have their own information privacy law, we respectfully request that the definition of public higher education institutions from the 2020 higher education privacy law be used to exempt public higher education institutions from the requirements of Senate Bill 698 in section 14-4503(A) (SB698 - page 11/line 5).

Thank you for allowing the USM to share these concerns regarding Senate Bill 698.



About the University System of Maryland

The University System of Maryland (USM)—one system made up of twelve institutions, three regional centers, and a central office—awards eight out of every ten bachelor’s degrees in the State of Maryland. The USM is governed by a Board of Regents, comprised of twenty-one members from diverse professional and personal backgrounds. The chancellor, Dr. Jay Perman, oversees and manages the operations of USM. However, each constituent institution is run by its own president who has authority over that university. Each of USM’s 12 institutions has a distinct and unique approach to the mission of educating students and promoting the economic, intellectual, and cultural growth of its surrounding community. These institutions are located throughout the state, from western Maryland to the Eastern Shore, with the flagship campus in the Washington suburbs. The USM includes Historically Black Colleges and Universities, comprehensive institutions, research universities, and the country’s largest public online institution.

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