



JUDICIAL PROCEEDINGS COMMITTEE

Senate Bill 889

Criminal Law - Distribution of Students' Personal Information - Prohibition

February 26, 2020

Information

Chair Smith, Vice Chair Waldstreicher and committee members, thank you for the opportunity to share our thoughts on Senate Bill 889. The bill prohibits a person from distributing personal identifying information (PII) or images of another student with intent to harm the student. A person who violates the Act is guilty of a misdemeanor and is subject to imprisonment of up to 1 year or a fine of up to \$5,000 or both.

The University System of Maryland (USM) is composed of twelve distinguished institutions and three regional centers. We award eight out of every ten bachelor's degrees in the state. 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 three Historically Black Institutions, comprehensive institutions and research universities, and the country's largest public online institution.

As background for Senate Bill 889, it may be helpful to understand recent changes within USM regarding PII. In 2020, the USM supported and worked to pass [House Bill 1122](#). The bill required each public institution of higher education to review and designate systems within the respective institution as systems of record and established numerous technical specifications for the protection of institutions' information systems and PII. Broadly, each public institution of higher education must: develop and adopt a privacy governance program to govern each system of record; develop and adopt an information security and risk management program for the protection of PII; publish a privacy notice on its website; and follow specified procedures when destroying PII records; and follow specified procedures when it discovers or is notified of a breach of the security of one of its systems.

Prior to 2020's House Bill 1122, USM institutions did not have a comprehensive privacy program. The bill established requirements for the development and implementation of privacy programs systemwide. These programs give our community members and the public the ability to have greater transparency around the data we collect and give individuals greater control over the data we hold about them. The bill also requires that we provide clear privacy policies and notice so that community members know about the programs and how to access them.

The USM takes privacy and security of the information we hold seriously. In 2019, the USM convened a multi-stakeholder group of legal and technical experts to work through the best ways to address privacy and security in our communities. House Bill 1122 was the "operational schematic" of several months of discussion by many experts and conforms to the direction other

states and countries are taking related to privacy. The features in House Bill 1122 to enhance privacy across the higher education community included a broad definition of PII that captured all the different forms of information that could relate to an individual.

In addition, the bill formed a condition that institutions create a privacy program that grants individuals several rights including the right to request: a listing of the information held about an individual, the correction of information that the individual feels is inaccurate, and the deletion of information about the individual that the university may have no reason to hold.

USM and its institutions continue to review and to implement changes, as needed, to support the protection of PII. The changes in the law also require institutions to have an information security and risk management program and that the program be periodically reviewed by a third party and that each university publish a privacy notice, on the university's website, that informs individuals of their rights.

