

HOUSE BILL 1184

I3, D1, D3

11r2074

By: **Delegate Cardin**

Introduced and read first time: February 8, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Judiciary – Personal Identifying Information – Protection**

3 FOR the purpose of authorizing a judge, recalled judge, or retired judge of a State court to
4 file a certain notice with a data broker, person, business, or other entity and
5 specifying the contents of the notice; prohibiting a data broker, person, business, or
6 other entity that receives a certain notice from publicly displaying certain
7 information or from selling, licensing, trading, purchasing, or otherwise providing or
8 making available certain information; requiring a data broker, person, business, or
9 other entity that receives a certain notice to remove certain information from public
10 view within a certain period of time of receiving the notice; providing that an
11 individual who is aggrieved by the failure of a data broker, person, business, or other
12 entity to comply with a certain notice may bring a civil action against the data
13 broker, person, business, or other entity; authorizing the court to impose an
14 injunction and award certain damages; requiring the Secretary of State to establish
15 and administer a Maryland Judiciary Personal Identification Information Program
16 for an at-risk individual and an immediate family member of an at-risk individual;
17 authorizing certain individuals to apply to participate in the Program; requiring an
18 application to the Program to contain certain information; requiring the Secretary to
19 review a certain application and designate a certain applicant as a Program
20 participant; authorizing a Program participant to withdraw from the Program;
21 requiring the Secretary to notify State and local agencies of the names of the
22 Program participants; prohibiting a State or local agency that receives a certain
23 notification from displaying certain information about a Program participant and
24 requiring the State or local agency to remove certain information from public
25 availability within a certain period of time; authorizing the Secretary to adopt
26 regulations to implement the Program; defining certain terms; providing for the
27 application of this Act; and generally relating to the Maryland Judiciary Personal
28 Identifying Information Act and Program.

29 BY adding to

30 Article – Commercial Law

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 14–4301 through 14–4303 to be under the new subtitle “Subtitle 43.
2 Maryland Judiciary Personal Identifying Information Act”
3 Annotated Code of Maryland
4 (2013 Replacement Volume and 2020 Supplement)

5 BY adding to

6 Article – State Government
7 Section 7–401 through 7–406 to be under the new subtitle “Subtitle 4. Maryland
8 Judiciary Personal Identifying Information Program”
9 Annotated Code of Maryland
10 (2014 Replacement Volume and 2020 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
12 That the Laws of Maryland read as follows:

13 **Article – Commercial Law**

14 **SUBTITLE 43. MARYLAND JUDICIARY PERSONAL IDENTIFYING INFORMATION**
15 **ACT.**

16 **14–4301.**

17 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
18 **INDICATED.**

19 **(B) “AT-RISK INDIVIDUAL” HAS THE MEANING STATED IN § 7–401 OF THE**
20 **STATE GOVERNMENT ARTICLE.**

21 **(C) “DATA BROKER” MEANS A COMMERCIAL ENTITY THAT COLLECTS,**
22 **ASSEMBLES, OR MAINTAINS PERSONAL IDENTIFYING INFORMATION OF AN**
23 **INDIVIDUAL WHO IS NOT A CUSTOMER OR AN EMPLOYEE OF THE ENTITY IN ORDER**
24 **TO SELL THE INFORMATION OR PROVIDE THIRD-PARTY ACCESS TO THE**
25 **INFORMATION.**

26 **(D) “IMMEDIATE FAMILY MEMBER” HAS THE MEANING STATED IN § 7–401**
27 **OF THE STATE GOVERNMENT ARTICLE.**

28 **(E) “PERSONAL IDENTIFYING INFORMATION” HAS THE MEANING STATED IN**
29 **§ 7–401 OF THE STATE GOVERNMENT ARTICLE.**

30 **14–4302.**

31 **(A) AN AT-RISK INDIVIDUAL MAY SUBMIT A WRITTEN NOTICE TO A DATA**
32 **BROKER, PERSON, BUSINESS, OR OTHER ENTITY THAT:**

1 **(1) IDENTIFIES THE INDIVIDUAL AS AN AT-RISK INDIVIDUAL;**

2 **(2) IDENTIFIES IMMEDIATE FAMILY MEMBERS OF THE INDIVIDUAL;**

3 **(3) REQUESTS THE DATA BROKER, PERSON, BUSINESS, OR OTHER**
4 **ENTITY TO REMOVE PERSONAL IDENTIFYING INFORMATION OF THE AT-RISK**
5 **INDIVIDUAL OR THE IMMEDIATE FAMILY MEMBERS OF THE INDIVIDUAL FROM**
6 **PUBLICLY AVAILABLE CONTENT WITHIN 72 HOURS OF RECEIPT OF THE**
7 **NOTIFICATION.**

8 **(B) A DATA BROKER, PERSON, BUSINESS, OR OTHER ENTITY THAT RECEIVES**
9 **A NOTIFICATION UNDER SUBSECTION (A) OF THIS SECTION:**

10 **(1) MAY NOT:**

11 **(i) PUBLICLY DISPLAY PERSONAL IDENTIFYING INFORMATION**
12 **OF THE AT-RISK INDIVIDUAL OR THE IMMEDIATE FAMILY MEMBERS OF THE**
13 **INDIVIDUAL; OR**

14 **(ii) SELL, LICENSE, TRADE, PURCHASE, OR OTHERWISE**
15 **PROVIDE OR MAKE AVAILABLE FOR CONSIDERATION THE PERSONAL IDENTIFYING**
16 **INFORMATION OF THE AT-RISK INDIVIDUAL OR THE IMMEDIATE FAMILY MEMBERS**
17 **OF THE INDIVIDUAL; AND**

18 **(2) SHALL REMOVE PERSONAL IDENTIFYING INFORMATION OF THE**
19 **AT-RISK INDIVIDUAL OR THE IMMEDIATE FAMILY MEMBERS OF THE INDIVIDUAL**
20 **FROM PUBLICLY AVAILABLE CONTENT WITHIN 72 HOURS OF RECEIPT OF THE**
21 **NOTIFICATION.**

22 **14-4303.**

23 **(A) AN AT-RISK INDIVIDUAL OR AN IMMEDIATE FAMILY MEMBER OF THE**
24 **INDIVIDUAL WHO IS AGGRIEVED BY A VIOLATION OF § 14-4302 OF THIS SUBTITLE**
25 **MAY BRING AN ACTION IN ANY COURT OF COMPETENT JURISDICTION.**

26 **(B) THE COURT MAY:**

27 **(1) ISSUE AN INJUNCTION ORDERING THE REMOVAL OF PERSONAL**
28 **IDENTIFYING INFORMATION OF THE AT-RISK INDIVIDUAL OR THE IMMEDIATE**
29 **FAMILY MEMBER OF THE INDIVIDUAL; AND**

30 **(2) AWARD DAMAGES IN ACCORDANCE WITH SUBSECTION (C) OF THIS**
31 **SECTION.**

1 (C) DAMAGES AWARDED BY A COURT UNDER THIS SECTION:

2 (1) SHALL INCLUDE \$10,000 IN PUNITIVE DAMAGES; AND

3 (2) MAY INCLUDE UP TO THREE TIMES THE AMOUNT OF ACTUAL
4 DAMAGES.

5 Article – State Government

6 SUBTITLE 4. MARYLAND JUDICIARY PERSONAL IDENTIFYING INFORMATION
7 PROGRAM.

8 7-401.

9 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

11 (B) (1) “AT-RISK INDIVIDUAL” MEANS A JUDGE OF A COURT, AS DEFINED
12 IN § 1-101 OF THE COURTS ARTICLE.

13 (2) “AT-RISK INDIVIDUAL” INCLUDES A RECALLED OR RETIRED
14 JUDGE OF A COURT.

15 (C) “IMMEDIATE FAMILY MEMBER” MEANS A SPOUSE, CHILD, PARENT, OR
16 ANOTHER INDIVIDUAL RELATED BY BLOOD OR MARRIAGE TO AN AT-RISK
17 INDIVIDUAL WHO LIVES IN THE SAME RESIDENCE AS THE AT-RISK INDIVIDUAL.

18 (D) (1) “PERSONAL IDENTIFYING INFORMATION” MEANS INFORMATION
19 THAT, WHEN USED ALONE OR WITH OTHER RELEVANT INFORMATION, CAN IDENTIFY
20 AN AT-RISK INDIVIDUAL OR AN IMMEDIATE FAMILY MEMBER OF THE INDIVIDUAL.

21 (2) “PERSONAL IDENTIFYING INFORMATION” INCLUDES THE
22 FOLLOWING INFORMATION OF AN AT-RISK INDIVIDUAL OR AN IMMEDIATE FAMILY
23 MEMBER OF THE INDIVIDUAL:

24 (I) HOME ADDRESS, INCLUDING PRIMARY RESIDENCE AND
25 VACATION HOME;

26 (II) HOME AND CELL PHONE NUMBER;

27 (III) PERSONAL E-MAIL ADDRESS;

28 (IV) SOCIAL SECURITY NUMBER, DRIVER’S LICENSE NUMBER,

1 AND VOTER REGISTRATION INFORMATION;

2 (V) BANK ACCOUNT AND CREDIT AND DEBIT CARD
3 INFORMATION;

4 (VI) PROPERTY TAX RECORDS AND ANY PROPERTY OWNERSHIP,
5 INCLUDING A SECONDARY RESIDENCE AND AN INVESTMENT PROPERTY WHERE A
6 PROGRAM PARTICIPANT RESIDES FOR PART OF A YEAR;

7 (VII) BIRTH AND MARRIAGE RECORDS;

8 (VIII) VEHICLE REGISTRATION INFORMATION;

9 (IX) CHILDREN UNDER THE AGE OF 18 YEARS;

10 (X) DATE OF BIRTH;

11 (XI) DIRECTIONS TO A HOME;

12 (XII) PHOTOGRAPH OF ANY VEHICLE, INCLUDING LICENSE
13 PLATE, OR HOME, INCLUDING THE ADDRESS OF THE HOME;

14 (XIII) THE NAME AND LOCATION OF A SCHOOL OR DAY CARE
15 FACILITY ATTENDED BY A CHILD; AND

16 (XIV) THE NAME AND LOCATION OF AN EMPLOYER.

17 (E) "PROGRAM" MEANS THE MARYLAND JUDICIARY PERSONAL
18 IDENTIFYING INFORMATION PROGRAM.

19 (F) "PROGRAM PARTICIPANT" MEANS AN INDIVIDUAL DESIGNATED AS A
20 PROGRAM PARTICIPANT UNDER THIS SUBTITLE.

21 7-402.

22 THE PURPOSE OF THIS SUBTITLE IS TO ENABLE STATE AND LOCAL AGENCIES
23 TO REMOVE FROM PUBLIC VIEW PERSONAL IDENTIFYING INFORMATION OF A
24 PROGRAM PARTICIPANT.

25 7-403.

26 THE SECRETARY OF STATE SHALL ESTABLISH AND ADMINISTER A MARYLAND
27 JUDICIARY PERSONAL IDENTIFYING INFORMATION PROGRAM FOR AT-RISK

1 INDIVIDUALS AND IMMEDIATE FAMILY MEMBERS OF THE INDIVIDUAL.

2 **7-404.**

3 (A) THE FOLLOWING INDIVIDUALS MAY APPLY TO PARTICIPATE IN THE
4 PROGRAM:

5 (1) AN AT-RISK INDIVIDUAL; AND

6 (2) AN AT-RISK INDIVIDUAL ACTING ON BEHALF OF AN IMMEDIATE
7 FAMILY MEMBER OF THE INDIVIDUAL.

8 (B) AN APPLICATION TO PARTICIPATE IN THE PROGRAM SHALL BE IN THE
9 FORM REQUIRED BY THE SECRETARY OF STATE AND SHALL:

10 (1) CONTAIN A STATEMENT THAT THE APPLICANT IS AN AT-RISK
11 INDIVIDUAL; AND

12 (2) IDENTIFY THE IMMEDIATE FAMILY MEMBERS OF THE INDIVIDUAL.

13 (C) (1) ON THE FILING OF A PROPERLY COMPLETED APPLICATION, THE
14 SECRETARY OF STATE SHALL:

15 (I) REVIEW THE APPLICATION; AND

16 (II) IF THE APPLICATION IS PROPERLY COMPLETED AND
17 ACCURATE, DESIGNATE THE APPLICANT AS A PROGRAM PARTICIPANT.

18 (2) A PROGRAM PARTICIPANT MAY WITHDRAW FROM PARTICIPATION
19 BY FILING A SIGNED REQUEST FOR WITHDRAWAL WITH THE SECRETARY OF STATE.

20 **7-405.**

21 (A) THE SECRETARY OF STATE SHALL NOTIFY STATE AND LOCAL AGENCIES
22 OF THE NAMES OF PROGRAM PARTICIPANTS.

23 (B) A STATE OR LOCAL AGENCY THAT RECEIVES NOTIFICATION UNDER
24 SUBSECTION (A) OF THIS SECTION:

25 (1) MAY NOT PUBLICLY DISPLAY PERSONAL IDENTIFYING
26 INFORMATION OF THE PROGRAM PARTICIPANT; AND

27 (2) SHALL REMOVE PERSONAL IDENTIFYING INFORMATION OF THE

1 **PROGRAM PARTICIPANT FROM PUBLICLY AVAILABLE CONTENT WITHIN 72 HOURS**
2 **OF RECEIPT OF THE NOTIFICATION.**

3 **7-406.**

4 **THE SECRETARY OF STATE MAY ADOPT REGULATIONS TO CARRY OUT THE**
5 **PROVISIONS OF THIS SUBTITLE.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
7 apply only prospectively and may not be applied or interpreted to have any effect on or
8 application to any cause of action arising before the effective date of this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2021.