

February 13, 2020

The Honorable Paul G. Pinsky, Chair
Education, Health and Environmental Affairs Committee
Miller Senate Office Building, 2 West
Annapolis, MD 21401

Dear Chairman Pinsky:

The Department of Information Technology (DoIT) supports Senate Bill 274 - State Government - Protection of Information - Revisions (Maryland Data Privacy Act) with an amendment. The amendment clarifies the standards and guidelines in which the units of government will need to comply with to ensure that the security of all information systems and applications are managed in a manner that is consistent with the State specified risk management framework.

Within state government, the goal should be to limit the amount of Personally Identifiable Information (PII) collected and ensure Marylanders understand why their information is being collected, for what purposes and how it is being used. Citizens must also have confidence that their government is taking the proper precautions to ensure the confidentiality and integrity of their information. Senate Bill 274 requires compliance with certain standards and guidelines to ensure that all personal data is being collected and managed in a secure manner.

Under this legislation, certain state agencies would be required to collect, process and share PII in a manner that is consistent with the requirements set forth by the Maryland Department of Information Technology, including:

- Identifying and documenting the legal authority for the collection of such data.
- Notifying an individual when PII is being collected and describe the purpose for the collection.
- Implementing reasonable data handling procedures to ensure the confidentiality, integrity, and availability of all PII is maintained.
- Incorporating privacy requirements into agreements with any third parties that handle PII while under contract with the State.
- Ensuring that PII collected is accurate, relevant, timely, and complete.
- Only collecting PII that is relevant to the legally authorized purpose of the collection.
- Allowing the individual access to their PII and allowing them to correct or amend the collected PII and
- Informing the individual or public of the practices and activities regarding the use of their PII including any rights the individual or public has to decline, correct or review the PII.

The Maryland Data Privacy Act modernizes the way state government agencies secure and manage PII. The bill requires agencies to mirror federal procedures for ensuring that PII is protected from unauthorized access, use, modification, or disclosure. Citizens must also be advised whether the disclosure of certain PII is voluntary or required, how that information is shared with third parties, and be provided an opt-out provision when possible. This proposal does not address private industry and broadly excludes uses related to public safety, public health, state security, and the investigation and prosecution of criminal offenses. To the extent that current laws and policies are being followed, there will be no fiscal impact because of this legislation.

For these reasons, the Maryland Department of Information Technology respectfully requests a favorable report on Senate Bill 274 as amended.

Amendment for Senate Bill 274

On page 6 replace line 22 through 29 with :

EACH UNIT SHALL COMPLY WITH STANDARDS AND GUIDELINES SET FORTH BY THE DEPARTMENT OF INFORMATION TECHNOLOGY, TO ENSURE THAT THE SECURITY OF ALL INFORMATION SYSTEMS AND APPLICATIONS IS MANAGED THROUGH STATE SPECIFIED RISK MANAGEMENT FRAMEWORK;

1. THE SYSTEM IS CATEGORIZED BASED ON AN ANALYSIS OF THE STATE SYSTEM CATEGORIZATION CRITERIA ;