

# HOUSE BILL 1042

P1, P5, D1

EMERGENCY BILL

(0lr1906)

***ENROLLED BILL***

— *Health and Government Operations/Judicial Proceedings* —

Introduced by ~~Delegate Lafferty~~ Delegates Lafferty, Hammen, Pendergrass, Benson, Costa, Donoghue, Elliott, Hubbard, Jenkins, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Reznik, Riley, Tarrant, and V. Turner

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Government – Disclosure of Personal Information on Websites**  
3 **– Prohibition**

4 FOR the purpose of prohibiting, on or after a certain date, certain courts, the  
5 Maryland General Assembly, and certain departments and units of the  
6 Executive Branch of State government from publicly posting or displaying on  
7 certain Internet websites certain personal information of an individual under  
8 certain circumstances; authorizing certain persons to request that certain  
9 official custodians mask certain personal information in the Internet version of  
10 public records; requiring that certain requests be in a certain form; requiring  
11 certain official custodians under certain circumstances to mask certain personal  
12 information and provide certain notice within a certain period of time; providing

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 that certain provisions of this Act do not apply to public records after a certain  
 2 period; authorizing the State Archives to publish certain electronic or print  
 3 indices, records, descriptions, summaries, or original records; prohibiting  
 4 certain persons from ~~submitting for recording~~ including certain personal  
 5 information in certain deeds and other recordable instruments ~~that contain~~  
 6 ~~certain personal information~~; authorizing certain persons to delete certain  
 7 information or request that certain information be masked from certain deeds  
 8 and other recordable instruments; specifying that certain persons are immune  
 9 from civil liability or criminal penalty for certain acts under certain  
 10 circumstances; providing that the inclusion of certain personal information does  
 11 not affect the validity of certain deeds or recordable instruments; providing that  
 12 the masking of certain personal information does not affect the validity of  
 13 certain deeds and recordable instruments; defining certain terms; making this  
 14 Act an emergency measure; providing for the application of this Act; and  
 15 generally relating to prohibiting the posting or displaying of personal  
 16 information on government websites.

17 BY adding to

18 Article – Courts and Judicial Proceedings  
 19 Section 1–205  
 20 Annotated Code of Maryland  
 21 (2006 Replacement Volume and 2009 Supplement)

22 BY adding to

23 Article – State Government  
 24 Section 2–1804 and 8–504  
 25 Annotated Code of Maryland  
 26 (2009 Replacement Volume)

27 BY repealing and reenacting, with amendments,

28 Article – State Government  
 29 Section 9–1009  
 30 Annotated Code of Maryland  
 31 (2009 Replacement Volume)

32 BY adding to

33 Article – Real Property  
 34 Section 3–111 and 4–101(c)  
 35 Annotated Code of Maryland  
 36 (2003 Replacement Volume and 2009 Supplement)

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

39 **Article – Courts and Judicial Proceedings**

40 **1–205.**

1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
2 MEANINGS INDICATED.

3 (2) "COURT" MEANS THE COURT OF APPEALS, THE COURT OF  
4 SPECIAL APPEALS, A CIRCUIT COURT, THE DISTRICT COURT OF MARYLAND,  
5 AND AN ORPHANS' COURT,~~AND THE MARYLAND TAX COURT.~~

6 (3) "PERSONAL INFORMATION" MEANS AN INDIVIDUAL'S:

7 (I) SOCIAL SECURITY NUMBER; OR

8 (II) DRIVER'S LICENSE NUMBER.

9 ~~(3)~~ (4) "PUBLICLY POST OR DISPLAY" MEANS TO  
10 INTENTIONALLY ~~COMMUNICATE OR OTHERWISE~~ MAKE AVAILABLE TO THE  
11 PUBLIC.

12 (B) ~~A~~ EXCEPT AS OTHERWISE PROVIDED BY LAW, ON OR AFTER JUNE 1,  
13 2010, A COURT, TO THE EXTENT PRACTICABLE, MAY NOT PUBLICLY POST OR  
14 DISPLAY ON AN INTERNET WEBSITE MAINTAINED OR PAID FOR BY THE COURT  
15 AN INDIVIDUAL'S: PERSONAL INFORMATION.

16 ~~(1) SOCIAL SECURITY NUMBER; OR~~

17 ~~(2) DRIVER'S LICENSE NUMBER.~~

18 Article - State Government

19 2-1804.

20 (A) (1) IN THIS ~~SECTION,~~ "PUBLICLY SECTION THE FOLLOWING  
21 WORDS HAVE THE MEANINGS INDICATED.

22 (2) "PERSONAL INFORMATION" MEANS AN INDIVIDUAL'S:

23 (I) SOCIAL SECURITY NUMBER; OR

24 (II) DRIVER'S LICENSE NUMBER.

25 (3) "PUBLICLY POST OR DISPLAY" MEANS TO INTENTIONALLY  
26 COMMUNICATE OR OTHERWISE MAKE AVAILABLE TO THE PUBLIC.

1           **(B) ~~THE~~ EXCEPT AS OTHERWISE PROVIDED BY LAW, ON OR AFTER JUNE**  
 2 **1, 2010, THE GENERAL ASSEMBLY, TO THE EXTENT PRACTICABLE, MAY NOT**  
 3 **PUBLICLY POST OR DISPLAY ON AN INTERNET WEBSITE MAINTAINED OR PAID**  
 4 **FOR BY THE GENERAL ASSEMBLY AN INDIVIDUAL'S: PERSONAL INFORMATION.**

5           **~~(1) SOCIAL SECURITY NUMBER; OR~~**

6           **~~(2) DRIVER'S LICENSE NUMBER.~~**

7 **8-504.**

8           **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
 9 **MEANINGS INDICATED.**

10           **(2) "DEPARTMENT" MEANS A PRINCIPAL DEPARTMENT OF THE**  
 11 **EXECUTIVE BRANCH OF STATE GOVERNMENT.**

12           **(3) "INDEPENDENT UNIT" MEANS A UNIT IN THE EXECUTIVE**  
 13 **BRANCH OF STATE GOVERNMENT THAT IS NOT IN A DEPARTMENT.**

14           **(4) "MASK" MEANS TO REDACT FROM PUBLIC VIEW THOSE**  
 15 **PORTIONS OF A PUBLIC RECORD THAT CONTAIN PERSONAL INFORMATION,**  
 16 **WITHOUT PERMANENTLY ALTERING THE ORIGINAL PUBLIC RECORD.**

17           **(5) "OFFICIAL CUSTODIAN" MEANS AN OFFICER OR EMPLOYEE**  
 18 **OF THE STATE WHO, WHETHER OR NOT THE OFFICER OR EMPLOYEE HAS**  
 19 **PHYSICAL CUSTODY AND CONTROL OF A PUBLIC RECORD, IS RESPONSIBLE FOR**  
 20 **KEEPING THE PUBLIC RECORD.**

21           **(6) "PERSON IN INTEREST" MEANS:**

22           **(I) AN INDIVIDUAL THAT IS THE SUBJECT OF PERSONAL**  
 23 **INFORMATION CONTAINED IN A PUBLIC RECORD OR A DESIGNEE OF THE**  
 24 **INDIVIDUAL; OR**

25           **(II) IF THE INDIVIDUAL HAS A LEGAL DISABILITY, THE**  
 26 **PARENT OR LEGAL REPRESENTATIVE OF THE INDIVIDUAL.**

27           **(7) "PERSONAL INFORMATION" MEANS AN INDIVIDUAL'S:**

28           **(I) SOCIAL SECURITY NUMBER; OR**

29           **(II) DRIVER'S LICENSE NUMBER.**

1           **(8) (I) "PUBLIC RECORD" MEANS THE ORIGINAL OR ANY COPY**  
2 **OF ANY DOCUMENTARY MATERIAL THAT:**

3                   **1. IS MADE BY A UNIT OR INSTRUMENTALITY OF THE**  
4 **STATE GOVERNMENT OR RECEIVED BY THE UNIT IN CONNECTION WITH THE**  
5 **TRANSACTION OF PUBLIC BUSINESS; AND**

6                   **2. IS IN ANY FORM, INCLUDING:**

7                   **A. A CARD;**

8                   **B. A COMPUTERIZED RECORD;**

9                   **C. CORRESPONDENCE;**

10                   **D. A DRAWING;**

11                   **E. FILM OR MICROFILM;**

12                   **F. A FORM;**

13                   **G. A MAP;**

14                   **H. A PHOTOGRAPH OR PHOTOSTAT;**

15                   **I. A RECORDING; OR**

16                   **J. A TAPE.**

17                   **(II) "PUBLIC RECORD" INCLUDES A DOCUMENT THAT LISTS**  
18 **THE SALARY OF AN EMPLOYEE OF A UNIT OR INSTRUMENTALITY OF THE STATE**  
19 **GOVERNMENT.**

20                   **(III) "PUBLIC RECORD" DOES NOT INCLUDE A DIGITAL**  
21 **PHOTOGRAPHIC IMAGE OR SIGNATURE OF AN INDIVIDUAL, OR THE ACTUAL**  
22 **STORED DATA THEREOF, RECORDED BY THE MOTOR VEHICLE**  
23 **ADMINISTRATION.**

24                   **(4) (9) "PUBLICLY POST OR DISPLAY" MEANS TO**  
25 **INTENTIONALLY ~~COMMUNICATE OR OTHERWISE~~ MAKE AVAILABLE TO THE**  
26 **PUBLIC.**

27                   **(B) ~~A~~ EXCEPT AS OTHERWISE PROVIDED BY LAW, ON OR AFTER JUNE 1,**  
28 **2010, A DEPARTMENT OR AN INDEPENDENT UNIT, TO THE EXTENT**

1 PRACTICABLE, MAY NOT PUBLICLY POST OR DISPLAY ON AN INTERNET WEBSITE  
2 MAINTAINED OR PAID FOR BY THE DEPARTMENT OR INDEPENDENT UNIT AN  
3 INDIVIDUAL'S: PERSONAL INFORMATION.

4 ~~(1) SOCIAL SECURITY NUMBER; OR~~

5 ~~(2) DRIVER'S LICENSE NUMBER.~~

6 (C) (1) A PERSON IN INTEREST MAY REQUEST AN OFFICIAL  
7 CUSTODIAN TO MASK PERSONAL INFORMATION IN THE INTERNET VERSION OF A  
8 PUBLIC RECORD.

9 (2) A REQUEST MADE IN ACCORDANCE WITH THIS SUBSECTION  
10 SHALL ~~BE~~:

11 (I) BE IN WRITING; AND

12 (II) PROVIDE AN ADEQUATE DESCRIPTION OF THE PUBLIC  
13 RECORD INCLUDING A NAME AND ADDRESS OR TYPE AND LOCATION OF THE  
14 PUBLIC RECORD.

15 (3) WITHIN 30 DAYS AFTER RECEIVING A REQUEST UNDER THIS  
16 SECTION, AN OFFICIAL CUSTODIAN SHALL:

17 (I) MASK THE PERSONAL INFORMATION IN THE INTERNET  
18 VERSION OF THE RECORD; AND

19 (II) GIVE THE PERSON IN INTEREST WRITTEN NOTICE OF  
20 THE ACTION TAKEN.

21 (4) THIS SUBSECTION DOES NOT APPLY TO A PUBLIC RECORD  
22 AFTER 72 YEARS FROM THE DATE IT WAS MADE OR RECEIVED BY A UNIT OR  
23 INSTRUMENTALITY OF THE STATE GOVERNMENT.

24 9-1009.

25 (a) The Archives may:

26 (1) repair and preserve the records under the supervision of the State  
27 Archivist, as provided in the State budget;

28 (2) make a copy of any record in the Archives; and

29 (3) certify the copy.

1 (B) THE ARCHIVES MAY PUBLISH, ELECTRONICALLY OR IN PRINT,  
 2 INDICES TO RECORDS, DESCRIPTIONS, SUMMARIES OF RECORD MATERIAL, OR  
 3 ORIGINAL RECORD MATERIAL, IN WHOLE OR IN PART, THAT ARE NOT  
 4 OTHERWISE RESTRICTED FROM ACCESS UNDER EXISTING LAW.

5 [(b)](C) The Archives shall index or provide other finding aids for:

6 (1) the historical records acquired under § 9–1010 of this subtitle; and

7 (2) the land records in its custody under § 9–1011 of this subtitle.

8 [(c)](D) (1) Except as provided in paragraph (2) of this subsection, the  
 9 Archives may charge a reasonable fee for providing a copy of a record and for  
 10 certifying the record.

11 (2) If, with the written approval of a judge of a circuit court, the clerk  
 12 of court asks for a copy of a land record that a court has transferred to the Commission  
 13 or Archives, the Archives shall provide, without charge, a micrographic copy of the  
 14 land record.

### 15 Article – Real Property

#### 16 3–111.

17 (A) IN THIS SECTION, “PERSONAL INFORMATION” MEANS AN  
 18 INDIVIDUAL’S:

19 (1) SOCIAL SECURITY NUMBER; OR

20 (2) DRIVER’S LICENSE NUMBER.

21 (B) ON OR AFTER JUNE 1, 2010, A PERSON MAY NOT ~~SUBMIT FOR~~  
 22 ~~RECORDING~~ INCLUDE PERSONAL INFORMATION IN A DEED OR OTHER  
 23 ~~RECORDABLE INSTRUMENT THAT CONTAINS PERSONAL INFORMATION~~  
 24 ~~INTENDED FOR RECORDING.~~

25 (C) A PERSON ENGAGED TO PERFORM OR CHARGED WITH THE DUTY TO  
 26 RECORD A DEED OR OTHER RECORDABLE INSTRUMENT THAT CONTAINS  
 27 PERSONAL INFORMATION MAY, PRIOR TO RECORDING:

28 (1) PERMANENTLY DELETE THE PERSONAL INFORMATION FROM  
 29 THE DEED OR OTHER RECORDABLE INSTRUMENT; OR

1           **(2) REQUEST THAT THE PERSONAL INFORMATION BE MASKED**  
 2 **FROM THE DEED OR OTHER RECORDABLE INSTRUMENT IN ACCORDANCE WITH §**  
 3 **8-504 OF THE STATE GOVERNMENT ARTICLE.**

4           **(D) A PERSON IS IMMUNE FROM CIVIL LIABILITY OR CRIMINAL PENALTY**  
 5 **IF THE PERSON:**

6           **(1) INADVERTENTLY RECORDS A DEED OR OTHER RECORDABLE**  
 7 **INSTRUMENT CONTAINING PERSONAL INFORMATION; OR**

8           **(2) DELETES OR MASKS PERSONAL INFORMATION FROM A DEED**  
 9 **OR OTHER RECORDABLE INSTRUMENT IN ACCORDANCE WITH SUBSECTION (C)**  
 10 **OF THIS SECTION.**

11           **~~(C)~~ (E) IF A DEED OR OTHER RECORDABLE INSTRUMENT THAT**  
 12 **CONTAINS PERSONAL INFORMATION IS INADVERTENTLY RECORDED, THE**  
 13 **INCLUSION OF THE PERSONAL INFORMATION DOES NOT AFFECT THE VALIDITY**  
 14 **OF THE INSTRUMENT.**

15 4-101.

16           **(C) THE MASKING OF PERSONAL INFORMATION IN ACCORDANCE WITH §**  
 17 **8-504 OF THE STATE GOVERNMENT ARTICLE DOES NOT AFFECT THE VALIDITY**  
 18 **OF A DEED OR OTHER RECORDABLE INSTRUMENT.**

19           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be**  
 20 **construed to apply only prospectively and may not be applied or interpreted to have**  
 21 **any effect on or application to any document, deed, or other material that was publicly**  
 22 **posted or displayed before June 1, 2010, unless a person in interest makes a request to**  
 23 **have personal information masked in accordance with this Act.**

24           **SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act ~~shall take~~**  
 25 **~~effect~~ ~~October 1, 2010~~ is an emergency measure, is necessary for the immediate**  
 26 **preservation of the public health or safety, has been passed by a yea and nay vote**  
 27 **supported by three-fifths of all the members elected to each of the two Houses of the**  
 28 **General Assembly, and shall take effect from the date it is enacted.**