

## Chapter 452

(House Bill 1042)

AN ACT concerning

### State Government – Disclosure of Personal Information on Websites – Prohibition

FOR the purpose of prohibiting, on or after a certain date, certain courts, the Maryland General Assembly, and certain departments and units of the Executive Branch of State government from publicly posting or displaying on certain Internet websites certain personal information of an individual under certain circumstances; authorizing certain persons to request that certain official custodians mask certain personal information in the Internet version of public records; requiring that certain requests be in a certain form; requiring certain official custodians under certain circumstances to mask certain personal information and provide certain notice within a certain period of time; providing that certain provisions of this Act do not apply to public records after a certain period; authorizing the State Archives to publish certain electronic or print indices, records, descriptions, summaries, or original records; prohibiting certain persons from ~~submitting for recording~~ *including certain personal information in certain deeds and other recordable instruments that contain certain personal information*; *authorizing certain persons to delete certain information or request that certain information be masked from certain deeds and other recordable instruments; specifying that certain persons are immune from civil liability or criminal penalty for certain acts under certain circumstances*; providing that the inclusion of certain personal information does not affect the validity of certain deeds or recordable instruments; providing that the masking of certain personal information does not affect the validity of certain deeds and recordable instruments; defining certain terms; making this Act an emergency measure; providing for the application of this Act; and generally relating to prohibiting the posting or displaying of personal information on government websites.

BY adding to

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

BY adding to

Article – State Government  
Section 2–1804 and 8–504  
Annotated Code of Maryland

(2009 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Government

Section 9–1009

Annotated Code of Maryland

(2009 Replacement Volume)

BY adding to

Article – Real Property

Section 3–111 and 4–101(c)

Annotated Code of Maryland

(2003 Replacement Volume and 2009 Supplement)

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

**Article – Courts and Judicial Proceedings**

**1–205.**

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

(2) “COURT” MEANS THE COURT OF APPEALS, THE COURT OF SPECIAL APPEALS, A CIRCUIT COURT, THE DISTRICT COURT OF MARYLAND, AND AN ORPHANS’ COURT, ~~AND THE MARYLAND TAX COURT.~~

(3) “PERSONAL INFORMATION” MEANS AN INDIVIDUAL’S:

(I) SOCIAL SECURITY NUMBER; OR

(II) DRIVER’S LICENSE NUMBER.

~~(3)~~ (4) “PUBLICLY POST OR DISPLAY” MEANS TO INTENTIONALLY ~~COMMUNICATE OR OTHERWISE~~ MAKE AVAILABLE TO THE PUBLIC.

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

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

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

Article – State Government

2-1804.

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

~~(2) “PERSONAL INFORMATION” MEANS AN INDIVIDUAL’S:~~

~~(I) SOCIAL SECURITY NUMBER; OR~~

~~(II) DRIVER’S LICENSE NUMBER.~~

~~(3) “PUBLICLY POST OR DISPLAY” MEANS TO INTENTIONALLY COMMUNICATE OR OTHERWISE MAKE AVAILABLE TO THE PUBLIC.~~

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

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

~~(2) DRIVER’S LICENSE NUMBER.~~

8-504.

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

(2) “DEPARTMENT” MEANS A PRINCIPAL DEPARTMENT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

(3) “INDEPENDENT UNIT” MEANS A UNIT IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT THAT IS NOT IN A DEPARTMENT.

(4) “MASK” MEANS TO REDACT FROM PUBLIC VIEW THOSE PORTIONS OF A PUBLIC RECORD THAT CONTAIN PERSONAL INFORMATION, WITHOUT PERMANENTLY ALTERING THE ORIGINAL PUBLIC RECORD.

(5) “OFFICIAL CUSTODIAN” MEANS AN OFFICER OR EMPLOYEE OF THE STATE WHO, WHETHER OR NOT THE OFFICER OR EMPLOYEE HAS

**PHYSICAL CUSTODY AND CONTROL OF A PUBLIC RECORD, IS RESPONSIBLE FOR KEEPING THE PUBLIC RECORD.**

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

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

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

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

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

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

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

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

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

**A. A CARD;**

**B. A COMPUTERIZED RECORD;**

**C. CORRESPONDENCE;**

**D. A DRAWING;**

**E. FILM OR MICROFILM;**

**F. A FORM;**

**G. A MAP;**

**H. A PHOTOGRAPH OR PHOTOSTAT;**

**I. A RECORDING; OR**

**J. A TAPE.**

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

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

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

**(B) ~~A~~ EXCEPT AS OTHERWISE PROVIDED BY LAW, ON OR AFTER JUNE 1, 2010, A DEPARTMENT OR AN INDEPENDENT UNIT, TO THE EXTENT PRACTICABLE, MAY NOT PUBLICLY POST OR DISPLAY ON AN INTERNET WEBSITE MAINTAINED OR PAID FOR BY THE DEPARTMENT OR INDEPENDENT UNIT AN INDIVIDUAL'S ~~PERSONAL INFORMATION.~~**

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

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

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

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

**(I) BE IN WRITING; AND**

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

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

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

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

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

9-1009.

(a) The Archives may:

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

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

(3) certify the copy.

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

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

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

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

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

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

### **Article – Real Property**

**3-111.**

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

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

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

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

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

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

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

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

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

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

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

4-101.

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

**SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have**

any effect on or application to any document, deed, or other material that was publicly posted or displayed before June 1, 2010, unless a person in interest makes a request to have personal information masked in accordance with this Act.

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

**Approved by the Governor, May 4, 2010.**