

HOUSE BILL 878

P1

4lr2561
CF 4lr2614

By: **Delegate Bartlett**

Introduced and read first time: February 2, 2024

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Constitutional Officers – Public Disclosure of Personal Information**

3 FOR the purpose of requiring a custodian to deny inspection of the part of a public record
4 that contains certain personal information except under certain circumstances;
5 authorizing a certain constitutional officer or certain immediate family member of a
6 constitutional officer to request that certain disclosed personal information be
7 removed and that a certain person refrain from future disclosures; requiring a person
8 to comply with a certain request within a certain period of time and prohibiting the
9 person from making a disclosure by other means; authorizing a constitutional officer
10 or an immediate family member of a constitutional officer to bring an action for
11 damages under certain circumstances; and generally relating to constitutional
12 officers and disclosure of personal information.

13 BY adding to

14 Article – State Government
15 New subtitle designation “Subtitle 1. Definitions” to immediately precede Section
16 1–101; and Section 1–201 to be under the new subtitle “Subtitle 2. General
17 Provisions” and the amended title “Title 1. Definitions; General Provisions”
18 Annotated Code of Maryland
19 (2021 Replacement Volume and 2023 Supplement)

20 BY adding to

21 Article – General Provisions
22 Section 4–331.1
23 Annotated Code of Maryland
24 (2019 Replacement Volume and 2023 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
26 That the new subtitle designation “Subtitle 1. Definitions” be added to immediately precede
27 Section 1–101 of Article – State Government of the Annotated Code of Maryland.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
2 as follows:

3 **Article – General Provisions**

4 **4–331.1.**

5 (A) IN THIS SECTION, “CONSTITUTIONAL OFFICER” HAS THE MEANING
6 STATED IN § 1–201 OF THE STATE GOVERNMENT ARTICLE.

7 (B) A CUSTODIAN SHALL DENY INSPECTION OF THE PART OF A PUBLIC
8 RECORD THAT CONTAINS THE HOME ADDRESS OR PERSONAL TELEPHONE NUMBER
9 OF A CONSTITUTIONAL OFFICER UNLESS THE CONSTITUTIONAL OFFICER CONSENTS
10 TO THE INSPECTION.

11 **Article – State Government**

12 Title 1. Definitions; **GENERAL PROVISIONS.**

13 **SUBTITLE 2. GENERAL PROVISIONS.**

14 **1–201.**

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

17 (2) “CONSTITUTIONAL OFFICER” MEANS THE CURRENT OR A
18 FORMER:

19 (I) GOVERNOR OR LIEUTENANT GOVERNOR;

20 (II) ATTORNEY GENERAL;

21 (III) COMPTROLLER; OR

22 (IV) STATE TREASURER.

23 (3) “DISCLOSED” MEANS:

24 (I) POSTED PUBLICLY ON THE INTERNET; OR

25 (II) MADE PUBLICLY AVAILABLE THROUGH ANY OTHER MEANS
26 OF PUBLICATION OR POSTING.

1 **(4) “IMMEDIATE FAMILY MEMBER” MEANS A PARENT, SPOUSE, OR**
2 **CHILD.**

3 **(5) “PERSONAL INFORMATION” MEANS A HOME ADDRESS OR**
4 **PERSONAL TELEPHONE NUMBER.**

5 **(B) (1) A CONSTITUTIONAL OFFICER OR AN IMMEDIATE FAMILY MEMBER**
6 **OF A CONSTITUTIONAL OFFICER WHOSE PERSONAL INFORMATION HAS BEEN**
7 **DISCLOSED MAY REQUEST IN WRITING THAT THE PERSON WHO DISCLOSED THE**
8 **PERSONAL INFORMATION:**

9 **(I) REMOVE THE PERSONAL INFORMATION FROM THE FORUM**
10 **ON WHICH IT WAS DISCLOSED; AND**

11 **(II) REFRAIN FROM ANY FUTURE DISCLOSURE OF PERSONAL**
12 **INFORMATION OF THE CONSTITUTIONAL OFFICER OR IMMEDIATE FAMILY MEMBER**
13 **OF THE CONSTITUTIONAL OFFICER.**

14 **(2) A REQUEST MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION**
15 **MAY BE MADE ON BEHALF OF A MINOR BY A PARENT OR GUARDIAN OF THE MINOR.**

16 **(C) ON RECEIPT OF A WRITTEN REQUEST UNDER SUBSECTION (B) OF THIS**
17 **SECTION, THE PERSON WHO MADE THE DISCLOSURE:**

18 **(1) SHALL REMOVE THE PERSONAL INFORMATION WITHIN 72 HOURS**
19 **OF RECEIVING THE WRITTEN REQUEST; AND**

20 **(2) MAY NOT DISCLOSE THE PERSONAL INFORMATION OF THE**
21 **CONSTITUTIONAL OFFICER OR THE IMMEDIATE FAMILY MEMBER OF THE**
22 **CONSTITUTIONAL OFFICER BY ANY OTHER MEANS.**

23 **(D) A CONSTITUTIONAL OFFICER OR AN IMMEDIATE FAMILY MEMBER OF A**
24 **CONSTITUTIONAL OFFICER WHO IS INJURED BY A VIOLATION OF THIS SECTION MAY**
25 **BRING AN ACTION FOR DAMAGES AGAINST THE PERSON WHO COMMITTED THE**
26 **VIOLATION.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2024.