

## **CHAPTER 8: RESTRICTIONS ON THE CREATION AND COLLECTION OF PERSONAL RECORDS**

Concerns about individual privacy prompted the amendment of the PIA during the 2000 session of the General Assembly to prohibit a unit of the State or of a local government from creating “personal records” absent a clearly established need. SG §10-624(b).<sup>1</sup> A “personal record” is defined as one that “names or, with reasonable certainty, otherwise identifies an individual by an identifying factor such as” an address, description, fingerprint, voice print, number, or picture. SG §10-624(a).

Those amendments also mandate that State agencies collect personal information from the person in interest to the greatest extent practicable. SG §10-624(c)(2). The person in interest is to be informed of: (1) the purpose for which the personal information is collected; (2) the consequences of refusing to provide the information; (3) the right to inspect, amend, or correct personal records; (4) whether personal information is generally available for public inspection; and (5) whether the information is shared with any other entity. SG §10-624(c)(3).

That legislation provided exemptions for certain personal records, including the collection of personal information related to the enforcement of criminal laws or the administration of the penal system, certain investigatory materials, records accepted by the State Archivist, information collected in conjunction with certain research projects, and personal records that the Secretary of Budget and Management exempts by regulation. SG §10-624(c)(5). In addition, these provisions may not be construed to preempt or conflict with provisions concerning medical records under the Health-General Article, Title 4, Subtitle 3, Annotated Code of Maryland. Chapter 4, §2, Laws of Maryland 2000. Finally, each unit of State government is required to post its privacy policies concerning collection of personal information on its internet web site. SG §10-624(c)(4).

---

<sup>1</sup>A provision outside of the PIA itself calls for agencies to keep only the information about a person that is needed to accomplish a governmental purpose. SG §10-602.