

## **Chapter 12:**

# **Restrictions on the Creation and Collection of Personal Records**

Concerns about individual privacy prompted the General Assembly to prohibit a unit of the State or of a local government from creating “personal records” absent a clearly established need. GP § 4-501(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. GP § 4-501(a).

The statute also mandates that State agencies collect personal information from the person in interest to the greatest extent practicable. GP § 4-501(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. GP § 4-501(c)(3).

The restrictions do not apply to 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. GP § 4-501(c)(5). In addition, these provisions may not be construed to preempt or conflict with provisions concerning medical records under Title 4, Subtitle 3 of the Health-General Article. 2000 Md. Laws, ch. 4, § 2. Finally, each unit of State government is required to post its privacy policies concerning collection of personal information on its web site. GP § 4-501(c)(4).

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<sup>1</sup> Another provision calls for agencies to keep only the information about a person that is needed to accomplish a governmental purpose. GP § 4-102.