



## House Bill 1317

### *State Government - Data-Sharing Agreements and Personal Identifying Information - Prohibition and Reporting (Maryland Data Privacy and Federal Shield Act)*

MACo Position: **LETTER OF  
INFORMATION**

To: Government, Labor, and Elections  
Committee

Date: March 3, 2026

From: Sarah Sample

The Maryland Association of Counties (MACo) takes **NO POSITION** but offers a **LETTER OF INFORMATION** on HB 1317. This bill seeks a policy on sharing data with outside agencies who may use it for various types of federal enforcement or tracking. In doing so, it creates a gray area for local government custodians that could expose them to personal liability while taking good faith actions within the scope of their work.

This bill requires county record custodians from all local agencies, not just law enforcement, to redact and deny information that could identify several personal attributes of a member of the public. The bill specifically applies to requests made by the federal government. Counties do not take issue with the intent of the bill to protect the private information of an individual that is not legally required to be shared with any federal agency. Balancing personal privacy with public interest is a founding principle of open government laws and is vital to ensure public trust and government transparency and integrity. County comments on HB 1317 arise primarily from practical implementation procedures that the bill would initiate.

Law enforcement and detention center records are governed by very specific laws in the Maryland code and are the types of documents that would most likely have the information this bill is attempting to shield. The standards of the bill are specifically procedural in nature for public safety agencies, though, and therefore not of major concern. County interest with HB 1317 stems mostly from how disclosures of other types of information, that are not law enforcement documents, could effectively make some of the personally identifying information apparent even if not explicitly stated in a document. This could be the case with land records, business filings, grant award reports, public meeting documents, and the like.

If federal agencies seek information from these other divisions, that are not a component of public safety infrastructure, it could trigger an onerous process for custodians to not only review, redact, and deny somewhat unclear information on otherwise publicly available records, but require the assessment and removal of current information in publicly available databases. This is information that in some instances, might already be available and publicly accessible in dozens of ways across multiple channels, including websites, emails, social media pages, and databases. This is where concern arises that custodians are personally liable if something is missed in this process, and it is a process that – without clarifications in the bill – could be quite extensive, onerous, and unclear regarding the standard and timelines to be met.

The question of how best to ensure that privacy and access are maintained when a record request is made to a local government agency, and not just public safety agencies, is an important one to address. HB 1317 is attempting to do that, but has a few components that likely demand more clarification as to what would be expected of non-public safety, local government custodians if the bill were to become law.