

SB 541/HB 567: Data Privacy Act (Love/Gile)

- Broad application
- Strong data minimization standards
- Standard consumer rights
- Universal opt-out mechanism
- Anti-discrimination protection



Elements of Data Privacy Law

	Maryland Online Data Privacy Act of 2024	
Data Minimization	Data controllers must limit data collection, processing, and sharing to what is “reasonably necessary” for providing or maintaining a requested product or service. Where sensitive data is concerned, the collection, processing, and sharing must be “strictly necessary.”	
Consumer Rights	Consumer rights include: confirming if their data is processed; accessing their data; correcting inaccuracies; deleting data; obtaining a copy of their data from the controller; and opting out of the processing of their data for purposes of targeted advertising, the sale of personal data or profiling in furtherance of solely automated decisions that produce legal or similar effects	
Enforcement	By the Attorney General.	

Elements of Data Privacy Law

	Maryland Online Data Privacy Act of 2024	
Protection of Minor's Data	Prohibits targeted advertising and the sale of personal data for individuals under 18.	
Sale of Sensitive Data	The bill bans the sale of sensitive data for individuals of any age.	
Coverage Thresholds	Applies to businesses that <ul style="list-style-type: none">- Controlled or processed the personal data of over 35,000 consumers; or- Controlled or processed the personal data of at least 10,000 consumers and derived over 20% of revenue from selling personal data.	

Elements of Data Privacy Law

	Maryland Online Data Privacy Act of 2024	
Right to Cure	Limited 60-day right to cure that sunsets in 2027.	
Right to Opt-Out	Universal opt-out mechanism provisions.	
Discrimination	Covered entities may not: <ul style="list-style-type: none">- discriminate against a consumer for exercising any of the consumer rights; or- process data in a manner that unlawfully makes unavailable the equal enjoyment of goods or services on the basis of race,	

Other Considerations

	Maryland Online Data Privacy Act of 2024	
Definitions	Definitions matter. E.g.: <ul style="list-style-type: none">● Biometrics: “is used” vs. “can be used”● “Known child” vs. “knew or should have known was a child”	
Entity-Level Exemptions	<ul style="list-style-type: none">● GLBA● HIPPA● Non-profits● Universities	
Data-Level Exemptions	<ul style="list-style-type: none">● GLBA● HIPPA● Research	

Conclusion

"The passage of this bill marks a significant shift in state privacy law, limiting personal data collection and abuse." (Office of Governor Wes Moore)