

HOUSE BILL 1065

C5

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By: Delegates Charkoudian, Acevero, Bagnall, Boyce, Cain, Carr, Crutchfield, Dumais, Feldmark, Fennell, W. Fisher, Ivey, Korman, Krimm, Lehman, R. Lewis, Lierman, Love, Mosby, Palakovich Carr, Pena–Melnyk, Rogers, Shetty, Smith, Stewart, Terrasa, Turner, Washington, and C. Watson

Introduced and read first time: February 6, 2020

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Service Companies and Contractors – Customer Protection – Personal**
3 **Information**

4 FOR the purpose of prohibiting a public service company and a contractor from sharing,
5 disclosing, or otherwise making accessible to a third party a customer’s personal
6 information, subject to a certain exception; prohibiting a public service company and
7 a contractor from selling a customer’s personal information; requiring each public
8 service company and contractor to use certain security procedures and practices to
9 protect a customer’s personal information from certain unauthorized actions;
10 requiring each public service company and contractor to restrict the public service
11 company’s and the contractor’s collection of personal information in a certain
12 manner; stating that this Act does not preclude a public service company or a
13 contractor from using certain customer information for certain purposes under
14 certain circumstances; requiring the Public Service Commission to adopt regulations
15 to carry out this Act; defining certain terms; and generally relating to public service
16 companies, contractors, and the protection of customer information.

17 BY adding to

18 Article – Public Utilities

19 Section 5–501 through 5–503 to be under the new subtitle “Subtitle 5. Customer
20 Protection”

21 Annotated Code of Maryland

22 (2010 Replacement Volume and 2019 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
24 That the Laws of Maryland read as follows:

25 **Article – Public Utilities**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **SUBTITLE 5. CUSTOMER PROTECTION.**

2 **5-501.**

3 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
4 **INDICATED.**

5 **(B) “CONTRACTOR” MEANS AN ENTITY THAT:**

6 **(1) CONTRACTS WITH A PUBLIC SERVICE COMPANY TO PROVIDE THE**
7 **SAME TYPE OF SERVICE THAT THE PUBLIC SERVICE COMPANY PROVIDES; AND**

8 **(2) HAS ACCESS TO PERSONAL INFORMATION.**

9 **(C) “CUSTOMER” MEANS AN INDIVIDUAL WHO HAS PROVIDED PERSONAL**
10 **INFORMATION TO A PUBLIC SERVICE COMPANY OR CONTRACTOR.**

11 **(D) (1) “PERSONAL INFORMATION” MEANS ANY INDIVIDUAL OR**
12 **HOUSEHOLD INFORMATION COLLECTED BY A PUBLIC SERVICE COMPANY OR**
13 **CONTRACTOR IN THE COURSE OF THE PUBLIC SERVICE COMPANY’S OR**
14 **CONTRACTOR’S INTERACTIONS WITH A CUSTOMER, REGARDLESS OF WHETHER THE**
15 **COLLECTION OF INFORMATION RESULTS IN THE PUBLIC SERVICE COMPANY OR**
16 **CONTRACTOR PROVIDING SERVICE TO THE CUSTOMER.**

17 **(2) “PERSONAL INFORMATION” INCLUDES:**

18 **(I) A NAME;**

19 **(II) AN ADDRESS;**

20 **(III) A TELEPHONE NUMBER;**

21 **(IV) A SOCIAL SECURITY NUMBER;**

22 **(V) BANK OR CREDIT CARD INFORMATION; AND**

23 **(VI) ANY RECORD RELATED TO A CUSTOMER’S SERVICE USAGE.**

24 **5-502.**

25 **(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A**
26 **PUBLIC SERVICE COMPANY AND A CONTRACTOR MAY NOT SHARE WITH, DISCLOSE**

1 TO, OR OTHERWISE MAKE ACCESSIBLE TO A THIRD PARTY A CUSTOMER'S PERSONAL
2 INFORMATION.

3 (2) A PUBLIC SERVICE COMPANY AND A CONTRACTOR MAY NOT SELL
4 A CUSTOMER'S PERSONAL INFORMATION.

5 (3) A PUBLIC SERVICE COMPANY AND A CONTRACTOR MAY DISCLOSE
6 A CUSTOMER'S PERSONAL INFORMATION:

7 (I) IF THE DISCLOSURE IS REQUIRED UNDER FEDERAL OR
8 STATE LAW;

9 (II) IF THE DISCLOSURE IS REQUIRED BY A CRIMINAL WARRANT;
10 OR

11 (III) ON WRITTEN REQUEST FROM THE CUSTOMER EXPLICITLY
12 STATING THE PURPOSE AND SCOPE OF THE DISCLOSURE.

13 (B) EACH PUBLIC SERVICE COMPANY AND CONTRACTOR SHALL USE
14 REASONABLE SECURITY PROCEDURES AND PRACTICES TO PROTECT A CUSTOMER'S
15 PERSONAL INFORMATION FROM UNAUTHORIZED ACCESS, DESTRUCTION, USE,
16 MODIFICATION, OR DISCLOSURE.

17 (C) (1) EACH PUBLIC SERVICE COMPANY AND CONTRACTOR SHALL
18 RESTRICT THE PUBLIC SERVICE COMPANY'S AND THE CONTRACTOR'S COLLECTION
19 OF PERSONAL INFORMATION TO THE LEAST AMOUNT OF INFORMATION NECESSARY
20 FOR:

21 (I) THE PROVISION OF SERVICES BY THE PUBLIC SERVICE
22 COMPANY AND THE CONTRACTOR; AND

23 (II) THE EFFECTIVE OPERATION AND ADMINISTRATION OF THE
24 PUBLIC SERVICE COMPANY AND THE CONTRACTOR.

25 (2) A PUBLIC SERVICE COMPANY AND A CONTRACTOR MAY NOT
26 REQUIRE A CUSTOMER TO PROVIDE A SOCIAL SECURITY NUMBER AS A CONDITION
27 OF PROVIDING SERVICE TO THE CUSTOMER.

28 (3) A PUBLIC SERVICE COMPANY AND A CONTRACTOR MAY ALLOW A
29 CUSTOMER TO USE A SOCIAL SECURITY NUMBER AS A VALID FORM OF
30 IDENTIFICATION FOR THE PROVISION OF SERVICES.

31 (D) THIS SECTION DOES NOT PRECLUDE A PUBLIC SERVICE COMPANY OR A

1 **CONTRACTOR FROM USING INFORMATION REGARDING A CUSTOMER'S SERVICE**
2 **USAGE IN THE AGGREGATE FOR ANALYSIS, REPORTING, OR PROGRAM MANAGEMENT**
3 **IF ALL OTHER PERSONAL INFORMATION IS NOT USED.**

4 **5-503.**

5 **THE COMMISSION SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2020.