



Meeting Minutes
Maryland Cybersecurity Council
Subcommittee on Law, Policy, and Legislation
Wednesday, October 02, 2019
1:00 pm – 3:00 pm
Senate James Building (Neall Room)
11 Bladen Street
Annapolis, Maryland

Attendance

Subcommittee members attending: Senator Susan Lee, Blair Levin, Delegate Ned Carey, Howard Feldman, Joseph Morales, Jonathan Prutow, Markus Rauschecker (for Professor Michael Greenberger), and Paul Tiao. (Quorum present 8/9)

Staff: Hanna Abrams (Assistant Attorney General, Consumer Protection Division), Patrice Drago (Chief of Staff, Office of Delegate Carey), Howard Barr (Assistant Attorney General and General Counsel, DoIT), Hannibal Kemerer (Director of Legislative Affairs, Office of the Attorney General), Michael Lore (Chief of Staff, Office of Senator Lee), Andi Moroney (Legislative Director, DoIT), Chung Park (CAPAD), Steve Sakamoto-Wendel (Consumer Protection Counsel for Regulation, Legislation and Policy, Consumer Protection Division) (and Dr. Greg von Lehmen (Staff, Maryland Cybersecurity Council).

Members of the public: representatives of ACHL, Allstate, American Property Casualty Insurers Association, and the Maryland Bankers Association, CDi Consulting Services LLC, Center for Democracy and Technology, Comcast, Commonsense.org, Harris Jones and Malone LLC, NAMIC, PWRJ Maryland, and USAA.

Meeting Summary

1. Chairing and opening the meeting, Senator Lee thanked all for their attendance.
2. Minutes of the 20 October 2018, subcommittee meeting were moved, seconded, and approved unanimously.
3. Senator Lee then turned to the policy items on the agenda that the subcommittee is considering endorsing to the full Maryland Cybersecurity Council. She indicated that the purpose of the meeting was to obtain feedback from the subcommittee members and members of the public on the items for consideration by the subcommittee.

Redline of 2019 SB 613 (Maryland Online Consumer Protection Act (MCPA))

Amina Fazlullah (Digital Equity Counsel at Commonsense.org) provided an overview of the changes in the California Consumer Protection Act (CCPA) on which the MCPA is based. In response to Senator Lee's invitation to the room for comment, a number of concerns and suggestions were expressed, including:

- Ensuring (as the draft does) that small Maryland businesses are carved out of the bill's requirements
- Extending the effective date of the MCPA to January 1, 2021 on the premise that more would be learned from the rollout of the CCPA which takes effect July 1, 2020
- Ensuring that the language in the MCPA relating to GLB mirror that presently in MPIPA
- Keeping the MCPA as close to the CCPA in order to ease the administrative burdens of firms who would have to respond to both

- Looking carefully at the definition of “consumer” for consistency with other parts of the Maryland code
- Producing greater clarity about the data covered by the MCPA by using the definition of PII in MPIPA

Senator Lee thanked all for their comments and concluded the discussion by asking members and public attendees to send in any further comments to be taken up at the next meeting of the subcommittee.

Redline of 2019 SB Bill 553 (Security Features for Connected Devices)

Natasha Duarte (Policy Analyst, Center for Democracy and Technology) provided comments regarding SB 553. It was noted in the ensuing discussion that the bill only refers to consumer products and that the reporting requirements in amendments to Article Business Regulation (19-1005), Article State Finance and Procurement (4-317) and Article State Government (9 – 2901(K) (L)) be struck from the draft.

2019 SB 786 (Amendments to MPIPA only)

Comments from subcommittee members and representatives from the public focused on ensuring that the technical details provided breach reports to OAG would not be made public and that the notice requirement provision concerning “statewide media” be reconsidered since there it unclear what the term refers to. Proposed changes in various notification provisions were also noted.

North Dakota SB 2110 (enacted in 2019)

The provisions of the bills were generally reviewed with some comments that provisions of the bill were consistent with some of the public discussion that has followed the Baltimore City ransomware attack.

2019 HB 211 (Criminal Law – Crimes Involving Computers – Ransomware)

This bill was briefly reviewed. It was noted that there had been additional discussion with chair of the Judiciary Committee about the bill with a view to the next session.

Draft Bill Proposing a Maryland Constitutional Right to Privacy

This draft was circulated as an information item for later discussion.

4. There being no further business, Senator Lee concluded the subcommittee meeting by again asking that any further feedback for the subcommittee’s consideration be provided to her office within the next two weeks.
5. Meeting adjourned at 2:45 pm.

[Note: These minutes approved at the 09 October 2020 meeting of the subcommittee.]