



January 25, 2021

The Honorable Dereck E. Davis
Chair, House Economic Matters Committee
Room 231
House Office Building
Annapolis, Maryland 21401

RE: HB 148 - Personal Information Protection Act – Revisions - Unfavorable

Chair Davis:

The Alliance for Automotive Innovation¹ (Auto Innovators) is writing to inform you of **our opposition to HB 148**, which seeks to make several concerning changes to the state’s data breach protocols.

Maintaining Consumer Privacy and Cybersecurity

The protection of consumer personal information is a priority for the automotive industry. Through the development of the “Consumer Privacy Protection Principles for Vehicle Technologies and Services,” Auto Innovators’ members committed to take steps to protect the personal data generated by their vehicles. These Privacy Principles are enforceable through the Federal Trade Commission and provide heightened protection for geolocation data and how drivers operate their vehicles.² Consumer trust is essential to the success of vehicle technologies and services. Auto Innovators and our members understand that consumers want to know how these vehicle technologies and services can deliver benefits to them while respecting their privacy. Our members are committed to providing all their customers with a high level of protection of their personal data and maintaining their trust.

Practical Concerns

We have concerns about this legislation and recommend an unfavorable report from the committee. Our concerns are outlined below:

¹ Formed in 2020, the Alliance for Automotive Innovation is the singular, authoritative and respected voice of the automotive industry. Focused on creating a safe and transformative path for sustainable industry growth, the Alliance for Automotive Innovation represents the manufacturers producing nearly 99 percent of cars and light trucks sold in the U.S. The organization, a combination of the Association of Global Automakers and the Alliance of Automobile Manufacturers, is directly involved in regulatory and policy matters impacting the light-duty vehicle market across the country. Members include motor vehicle manufacturers, original equipment suppliers, technology and other automotive-related companies and trade associations. The Alliance for Automotive Innovation is headquartered in Washington, DC, with offices in Detroit, MI and Sacramento, CA. For more information, visit our website <http://www.autosinnovate.org>.

² https://autoalliance.org/wp-content/uploads/2017/01/Consumer_Privacy_Principlesfor_VehicleTechnologies_Services.pdf

First, the breach of security notice timeframe is significantly altered by the bill. Notice of a breach would have to be sent not later than 10 days (as opposed to the current law specifying 45 days) after the entity discovers or is notified of the breach of the security of a system. 10 days is an exceedingly short amount of time to provide a notification and will not, in many cases, provide entities enough time to determine the scope the breach, avoid multiple disclosures to the same consumers, and restore the system's reasonable integrity.

Second, information to be added to the notice to the Attorney General pursuant to §14-3504 (h)(2) under condensed timeframes is unreasonable and unduly burdensome. In addition, this specific type of information contained in the above-referenced section may not be available until a complete and thorough investigation is over. Timely and reasonable notice to consumers should be the goal.

Thank you for your consideration of the Auto Innovators' position. Please do not hesitate to contact me at jfisher@autosinnovate.org or 202-326-5562, should I be able to provide any additional information.

Sincerely,

A handwritten signature in black ink that reads "Josh Fisher". The signature is written in a cursive, slightly slanted style.

Josh Fisher
Director, State Affairs