



COUNCILMEMBER KRISTERFER BURNETT
Baltimore City, District 8

Maryland Senate- The Finance Committee
SB0335: Commercial Law – Consumer Protection – Biometric Identifiers Privacy
-Favorable Report-

My name is Kristerfer Burnett and I am a member of the Baltimore City Council representing the 8th City Council District. **I urge a favorable report for Senate Bill 335, Commercial Law – Consumer Protection – Biometric Identifiers Privacy** which will regulate the use of biometric identifiers by private entities, including by requiring certain private entities in possession of biometric identifiers to develop a policy, made available to the public, establishing a retention schedule and destruction guidelines for biometric identifiers; and authorizing an individual alleging a violation of the Act to bring a civil action against the offending private entity.

In 2021, I served as the primary sponsor of Council Bill 21-0001 “Surveillance Technology in Baltimore”, which with the support of my colleagues, placed a moratorium on the sale and heavily restricted the use of facial technology in Baltimore City. We took this critical step after important questions were raised about the technology deployed by both the public & private sectors. We did this to ensure we had adequate time to establish oversight to its uses, promote transparency on how it is deployed, and protect the rights and civil liberties of the citizens of Baltimore.

Our office conducted extensive analysis of the latest research on the development and deployment of facial recognition, related biometric technology, and its use in the community. What we learned is that many of these tools have technical limitations that can and have amplified the harm of Black people and nearly all people of color, indigenous people, the elderly, gender non-conforming people, people living with disabilities, and our youth. Research conducted by the Massachusetts Institute of Technology (MIT) found deeply embedded racial and gender bias encoded in the algorithms used by leading technology companies – including Amazon, Microsoft, and IBM. The algorithms were found to have an inability to identify people of color – particularly in identifying Black and Brown women with the least accuracy.

Subsequent studies, including by the National Institute of Standards and Technology, confirmed these findings. Members of Congress experienced this disproportionate error

rate firsthand when an ACLU of Northern California test of FRT falsely matched 28 members with a mug-shot database. The implicit bias, found throughout this technology, is why I am asking this body to join jurisdictions, across the country, in regulating the use of biometric technology to protect communities of color from unjust actions from law enforcement and private companies.

Lastly, I wanted to lift up concerns that have been raised by subject matter experts and privacy advocates about the capturing, storage, and the potential sale and distribution of biometric data collected by businesses in the private sector and governmental agencies. I was deeply disturbed to learn from industry representatives in the private sector that personal biometric data collected by companies was being shared with law enforcement agencies, and in several industries, being sold. This collected data was being sold, for a profit, to national and transnational marketing companies to build customer profiles – and potentially undisclosed uses without the knowledge of the people the data was collected from. Thus – the passage of the “Biometric Identifiers Privacy” bill is critically important to close these loopholes and better protect the privacy and security of the citizens we represent.

I'll close with a quote from the CEO of IBM in 2020, "IBM firmly opposes and will not condone uses of any technology, including facial recognition technology offered by other vendors, for mass surveillance, racial profiling, violations of basic human rights and freedoms, or any purpose which is not consistent with our values..." This was stated in a letter sent to Congress, alongside public statements from Amazon, Microsoft, and several other large technology companies announcing they were ceasing the sale of facial recognition technology to law enforcement agencies across the United States due to racial bias in the algorithms used in the technology.

For the reasons stated above, I urge a favorable report for Senate Bill 335, Commercial Law – Consumer Protection – Biometric Identifiers Privacy.

Sincerely,



Councilmember Krister Burnett
Baltimore City- District 8
kristerfer.burnett@baltimorecity.gov
(410) 396-4818

From the Office of Councilmember Kristerfer Burnett
Baltimore City Council- 8th District
100 N. Holliday Street, Baltimore, MD 21202 - Room 552