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January 29, 2020

TO: The Honorable Delores G. Kelley, Chair
Senate Finance Committee

FROM: Steven M. Sakamoto-Wengel 
Consumer Protection Counsel for Regulation, Legislation and Policy

RE: Senate Bill 34 -- Consumer Protection -- Scanning or Swiping
Identification Cards and Driver's Licenses - Prohibition -- SUPPORT

The Consumer Protection Division of the Office of the Attorney General supports Senate Bill 34, sponsored by Senator Kagan, which would prohibit a person from using a scanning device or card reader to collect information from an individual's driver's license or identification card, unless the person has a legitimate reason for collecting that information. The bill would also prohibit the person from retaining or selling information from an individual's license or identification card. Driver's licenses and identification cards contain significant personal information about an individual -- information that can be used for identity theft or other nefarious purposes. Especially in light of the rash of data breaches, there is no reason why someone should collect and retain that personal information unless they have a legitimate reason for collecting such information as set forth in the bill.

Here is the experience of one of the Consumer Protection Division's employees:

A senior apartment community in Baltimore City invited me to conduct a scams presentation for their residents. The security guard asked to see my ID—the operative word here is “see.” The guard quickly scanned my driver's license before I could object to it. In an instant, my privacy was gone.

I had no idea what data they were collecting, how they were storing it, who had access to this data about me, how long they would store it or what they were doing with my personal data. There was no posted notice alerting visitors about the apartment complex's ID scanning policy. There was no written privacy policy or any information about their data collection policy. No

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The Honorable Delores G. Kelley
Senate Bill 34
January 29, 2020
Page Two

one asked for my consent or even informed me that my license would be scanned beforehand. I successfully challenged the apartment management to have my data removed from their system. While I was lucky, the average person cannot convince these organizations to delete their data, once it has been collected.

The Division believes that Senate Bill 34 is a reasonable measure that helps protect individuals' personal information against misuse and recommends that the Finance Committee issue a favorable report.

cc: Members, Senate Finance Committee
The Honorable Cheryl Kagan