



TECHNET
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January 27, 2021

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

Re: TechNet Opposition to HB 218 – Biometric Identifiers

Dear Chair Davis,

On behalf of TechNet's member companies, I respectfully submit this letter of opposition to HB 218. TechNet's members place a high priority on consumer privacy, however, as drafted, this bill would create significant hardships for Maryland employers and could actually result in stifling important advances in safety and security for consumers.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. Our diverse membership includes dynamic American businesses ranging from startups to the most iconic companies on the planet and represents over three million employees and countless customers in the fields of information technology, e-commerce, the sharing and gig economies, advanced energy, cybersecurity, venture capital, and finance.

TechNet believes that privacy laws should provide strong safeguards for consumers, while allowing the industry to continue to innovate. We understand the Legislature's interest in protecting the data of its constituents, but HB 218 relies on a flawed model. The bill before the Committee today adopts language from the Illinois Biometric Information Privacy Act (BIPA) - a law passed in 2008, which fails to account for over a decade of innovation in technology and business practices. It does not identify and protect against specific privacy harms, instead utilizing a definition of "Biometric identifier" that is overbroad and difficult to implement, which, paired with a private right of action, will open Maryland businesses to costly litigation.

In addition to imposing significant and ongoing compliance costs, this legislation would further burden local businesses with the threat of frivolous class action litigation. In Illinois, BIPA has been used as a cudgel by class-action law firms seeking large payouts from companies leveraging this technology to benefit consumers, or in many cases from providers of support systems that never even interact with consumers. The net effect of BIPA in IL has been to create a cottage industry of class

action law firms and to prevent companies and consumers from developing or accessing pro-consumer, pro-privacy uses of biometric data like building security, user authentication, fraud prevention, and more.

Maryland residents and employers deserve privacy protections that safeguard sensitive data while promoting innovation, security, and job creation. We would welcome the opportunity to work with your office to address issues of privacy protection without unintended consequences. Please consider TechNet's members a resource in this effort.

Thank you for your consideration of this testimony. Please do not hesitate to contact me if I can provide any additional information.

Sincerely,



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Executive Director, Massachusetts and the Northeast
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