

State of Maryland

Commission on Civil Rights

“Our vision is to have a State that is free from any trace of unlawful discrimination.”



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March 17, 2021

House Bill 1323 – Algorithmic Decision Systems – Procurement and Discriminatory Acts POSITION: Support

Dear Chairperson Pendergrass, Vice Chairperson Peña-Melnyk, and Members of the House Health & Government Operations Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, and state contracts based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

House Bill 1323 mandates that State units purchasing a product or service that contains an algorithmic decision system must purchase one that avoids harm, is committed to transparency, and gives primacy to fairness.

The Maryland Commission on Civil Rights supports HB1323 because the bill specifically directs units of State government to procure products and services that eliminate discrimination; include equality, tolerance, respect for others, and justice as algorithmic decision system goals; and provide an avenue for feedback to redress harms. While MCCR already has the statutory jurisdiction to take complaints alleging a unit of State government has discriminated against an individual using these products and services (such as by barring employment or denying access to services), HB1323 requires the units to mitigate any potential risk of discrimination and harm by taking proactive evaluative measures during the procurement process.

For these reasons, the Maryland Commission on Civil Rights urges a favorable vote on HB1323. Thank you for your time and consideration of the information contained in this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.