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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Support: SB 234
Maryland Driver Privacy Act

Issue:

- Maryland is one of the states with the most unrestricted federal access to Motor Vehicle Administration (MVA) data in the US
- Immigration and Customs Enforcement (ICE) has access to MVA data via DPSCS's Maryland Criminal Justice Dashboard ("Dashboard"), which includes 7 million MD driver's license photos for facial recognition searches
- ICE agents have accessed the Dashboard with generic federal logins and have saved facial recognition searches without a warrant or any oversight by DPSCS
- There is little data on the accuracy of facial recognition technology (FRT), though FRT is known to be less accurate for People of Color
- Unrestricted access is a serious threat to privacy of all Marylanders -- *you don't have to be the person of interest to be selected by FRT, you only have to look like that person*
- Additionally, undocumented immigrants are encouraged to get a driver's license, which makes their information available to federal immigration enforcement agencies without any prior notification or state oversight

What SB 234 does:

- Requires federal agencies conducting immigration enforcement to present a warrant prior to obtaining access to MVA information or personal information from other state agencies
- Requires the MVA and other state/local agencies to report data about federal requests for personal information and facial recognition searches

Sponsor amendment:

- Clarifies language to remove distinction between criminal and civil immigration enforcement, as all immigration enforcement is civil

- Includes a definition of “law enforcement agency”
- Adds language stating that MVA and other state agencies cannot sell personal information for the purposes of enforcing federal immigration law

Action taken in other states:

- *California Values Act (2017)*: requires AG to make recommendations to ensure to the “fullest extent practicable” that law enforcement databases are not used to enforce immigration laws (ICE lost access to CA law enforcement databases in October 2019)
- *New York Green Light Law (2019)*: prohibits DMV disclosure of information to “any agency that primarily enforces immigration law” unless presented with a warrant; requires notification of individuals about whom requests are made
- *New Jersey P.L.2019, c.271 (2019)*: prohibits disclosure of DMV information to any federal, state, or local law enforcement without consent or warrant
- *8 states prohibit FRT*: AK, NH, LA, MO, MT, OK, OR, WA
- *21 additional states do not provide driver’s license photos to federal FRT databases*: CA, CT, FL, GA, HI, KS, MA, ME, MS, MN, NV, NY, OH, RI, SD, VT, WY, NJ, VA, WV, WI



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TO: Senator William C. Smith Jr, Chair
Senator Jeff Waldstreicher, Vice Chair
Judicial Proceedings Committee Members

FROM: Maryland Legislative Latino Caucus (MLLC)

DATE: January 28, 2021

RE: SB234 Personal Information – State and Local Agencies –
Restrictions on Access

The MLLC supports SB234 Personal Information – State and Local Agencies – Restrictions on Access.

The MLLC is a bipartisan group of Senators and Delegates committed to supporting legislation that improves the lives of Latinos throughout our state. The MLLC is a crucial voice in the development of public policy that uplifts the Latino community and benefits the state of Maryland. Thank you for allowing us the opportunity to express our support of SB234.

The U.S Immigration and Customs Enforcement (ICE) is responsible for identifying and eliminating cross-border crime and any threats to national security and public safety. For their operations, they often use databases such as criminal justice networks and driver and transportation records to obtain information about a person, such as their home address or license plate number. In our case, ICE has accessed Marylanders' personal information through the Motor Vehicle Administration (MVA).

ICE has run [facial recognitions](#) on millions of Maryland drivers. When the Maryland General Assembly passed legislation to grant undocumented immigrants the ability to obtain a driver's license (many who are Latinos), federal agents gained access to personal data and used facial recognition technology to target individuals who have these specific driver's licenses. This is a very concerning piece of information, as this would mean that this agency has unlimited access to drivers' photos without the knowledge or consent of the drivers. The agency has already acted on this access to find non-criminal undocumented Marylanders.

SB234 prohibits state agencies from sharing facial recognition and personal information to U.S Immigration and Customs Enforcement (ICE) for purposes of civil immigration and criminal immigration enforcement without a valid warrant issued by a federal court or a court of this state. Additionally, the MVA must report to the Maryland General Assembly on the requests received from ICE.

A notion of security and restriction needs to be established, since when information as sensitive as this becomes exposed, the hopes and dreams of many members of the immigrant community are left to perish.

The MLLC supports this bill and urges a favorable report on SB234.