

**Testimony to the House Economic Matters Committee**  
**HB 259: Commercial Law-Consumer Protection-Biometric Identifiers Privacy**  
**Position: Favorable**

February 2, 2022

The Honorable C. T. Wilson, Chair  
House Economic Matters Committee  
Room 231, House Office Building  
Annapolis, Maryland 21401  
Cc: Members, House Economic Matters Committee

Honorable Chair Wilson and Members of the Committee:

The Maryland Consumer Rights Coalition (MCRC) is a statewide coalition of individuals and organizations that advances economic rights and financial inclusion for Maryland consumers through research, education, direct service, and advocacy. Our 8,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.

We are here today in strong support of HB259. HB 259 provides common-sense guardrails to protect Marylanders biometric privacy. Many of these protections in HB 259 are enshrined in law for other types of data to protect consumers-HB 259 extends these protections to address modern technological advances.

Biometric identifiers (palm, fingerprint, iris, voice, face) are increasingly being used by law enforcement, airports, property management firms, and employers. Currently there are no restrictions on how companies collect, analyze, store, share, or sell our personal biometric identifiers. Unlike a credit card, we can't get new biomarkers.

Although use of biometric identifiers is becoming more widespread, these markers, particularly use of facial recognition tools have been found to be racially biased and inaccurate. A 2018 Gender Shades study found that facial recognition tools performed the worst on darker-skinned females, with error rates up to 34% higher than for lighter-skinned males.

HB259 requires individuals affirmative consent before a company can collect or use their biometric information, limits the disclosure and sharing of biometric information, allows a private right of action, and creates clarity around how this information may be collected, used, and stored.

For all of these reasons, we support HB259 and urge a favorable report.

Best,

Marceline White  
Executive Director