



February 22, 2023

Chair C. T. Wilson
Economic Matters Committee
Maryland General Assembly

Dear Chair Wilson, Vice-Chair Crosby and Members of the Economic Matters Committee:

On behalf of the Security Industry Association (SIA) and our members, I am writing to express our opposition to House Bill 33 under consideration by the committee.

SIA is a nonprofit trade association located in Silver Spring, MD that represents companies providing a broad range of safety and security-focused products and services in the U.S and throughout Maryland, including more than 40 companies headquartered in our state. Among other sectors, our members include the leading providers of biometric technologies available in the U.S. Privacy is important to the delivery and operation of many safety and security-enhancing applications of technologies provided by our industry, and our members are committed to protecting personal data, including biometric data.

We are concerned that HB 33 is the wrong approach to data privacy as it would import an outdated and problematic model from Illinois that is incompatible with the common frameworks that are emerging federally and nationwide.

No other state has adopted legislation similar to the Illinois Biometric Information Protection Act (BIPA), which has resulted in more harm to consumers and local businesses than protections. There, businesses have been extorted through abusive “no harm” class action lawsuits, and beneficial technologies have been shelved. In fact, many of our member companies that provide products utilizing biometric technologies have chosen not to make these products or specific functions available in Illinois.

Safeguarding biometric information is important, but it should be done in a way that both protects Marylanders and allows for the development and use of advanced technologies that benefit them.

Beyond opening the door to lawsuit abuse with enforcement through a private right of action, there are also very real consequences to consumers – including their privacy – for imposing unnecessary limits through overregulation.

In several examples, as currently written HB 33 would:

- Prohibit businesses from requiring biometric identity verification to access to accounts or services, over less secure alternatives. Biometric technologies play a key role in protecting privacy during transactions that require identity verification, by preventing exposure of personal

information (date of birth, Social Security Number, address, etc.) that is far more vulnerable to compromise and abuse.

- Prevent the use of screening technology to allow “fast-lane” entry at special events, and other opt-in customer services.
- Prevent long term data retention on attempted fraud attempts. Without this, identity fraudsters will have a right to be “forgotten.”
- Expose sensitive biometric data to fraud due to overly broad “access rights.”
- Prevent the functionality and availability of biometric user-verification features in consumer electronics.
- Allow local jurisdictions to establish conflicting biometric data requirements.

If the committee decides to move forward with HB 33, key changes are critical for preventing negative impacts on Maryland businesses and consumers. We urge you not to approve the bill in its current form.

Again, we support the overall goal of safeguarding biometric information, and we stand ready to provide any additional information or expertise needed as you consider these issues.

Respectfully submitted,

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