

**2023-03-15 SB 861 (Support).pdf**

Uploaded by: Devyn King

Position: FAV

**ANTHONY G. BROWN**  
*Attorney General*



**CANDACE MCLAREN LANHAM**  
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*Deputy Attorney General*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

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March 15, 2023

**TO:** The Honorable Melony Griffith  
Chair, Finance Committee

**FROM:** Devyn King  
Law Clerk

**RE:** SB 0861 – Consumer Protection – Scanning or Swiping Identification Cards  
and Driver's Licenses – Prohibition (**SUPPORT**)

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The Office of the Attorney General urges a favorable report on Senate Bill 861. Senator Kagan's bill seeks to protect the privacy of Maryland residents by prohibiting a person from scanning an individual's identification card or driver's license to collect personal information, unless that person has a legitimate reason for doing so. The bill will also prevent the storage or sale of data collected from an individual's identification card or driver's license.

Merchants, healthcare providers, office buildings, and other service providers frequently insist on scanning an individual's identification card or driver's license before providing their services or allowing entry. Many businesses and offices utilize scanning to verify the identity of those entering their buildings.<sup>1</sup> Retail stores will often scan a consumer's identification card or driver's license when returning a purchase—even with a valid receipt—and track the consumer's data and patterns of making returns.<sup>2</sup>

Certainly, some establishments have specialized security needs, or require a scan in order to comply with various legal requirements, and the bill provides exceptions to the prohibition for these needs. However, for most companies, verification of age or identity can easily be

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<sup>1</sup> Nina Pineda, *Is Your Driver's License Making You Vulnerable to Identity Theft?*, WABC-TV (Jun. 16, 2015), <https://abc7ny.com/7-on-your-side-id-theft-identity-drivers-license/720583/>.

<sup>2</sup> *Returns, Driver's Licenses and The Retail Equation*, PRIVACYRIGHTS.ORG (Jun. 27, 2019), <https://privacyrights.org/resources/returns-drivers-licenses-and-retail-equation#:~:text=Stores%20will%20often%20ask%20you,of%20return%20fraud%20or%20abuse.>

accomplished by a manual, visual check, rather than a scan.<sup>3</sup> Additionally, there are safer alternatives to record-keeping that do not present as much of a risk to consumer privacy.<sup>4</sup>

Increasingly, scammers can use *any* data available—including that obtained from an identification card or driver’s license—to commit fraud.<sup>5</sup> The implementation of Real ID has increased the risk associated with scanning identification cards, as it has created a national database with copies of birth certificates, Social Security cards, and other important documents.<sup>6</sup> In recent years, healthcare facilities and retailers have been targets of some of the largest data breaches, putting stored identification card and driver’s license information at risk.<sup>7</sup> Therefore, it is imperative that Maryland follow the lead of the twelve other states that have passed similar laws, and protect consumers’ data by preventing the unnecessary collection of data in the first place.

For the foregoing reasons, the Office of the Attorney General urges a favorable report on Senate Bill 861.

cc: Members of the Finance Committee

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<sup>3</sup> *ID Capture: Do’s and Don’t’s*, THE RECEPTIONIST, <https://thereceptionist.com/blog/id-capture-dos-and-donts/?nab=0>.

<sup>4</sup> *Id.*

<sup>5</sup> *An On-the-Ground Look at Consumer Impacts of Data Breaches: Speech at the National Academies of Sciences Forum*, PRIVACYRIGHTS.ORG (Jan. 12, 2016), <https://privacyrights.org/resources/ground-look-consumer-impacts-data-breaches-speech-national-academies-sciences-forum>.

<sup>6</sup> *Real ID Act Will Increase Exposure to ID Theft*, PRIVACYRIGHTS.ORG (Feb. 28, 2007), <https://privacyrights.org/resources/real-id-act-will-increase-exposure-id-theft>.

<sup>7</sup> See IDENTITYFORCE, *2021 Data Breaches*, <https://www.identityforce.com/blog/2021-data-breaches>; *2022 Data Breaches*, <https://www.identityforce.com/blog/2022-data-breaches>.

**SB 861\_CPD\_FAV\_Bonomo.pdf**

Uploaded by: Elizabeth Bonomo

Position: FAV

**ANTHONY G. BROWN**  
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*Deputy Attorney General*



**WILLIAM D. GRUHN**  
*Chief*  
Consumer Protection Division

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**  
**CONSUMER PROTECTION DIVISION**

Writer's Fax No.

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March 15, 2023

**TO:** The Honorable Melony Griffith, Chair  
Senate Finance Committee

**FROM:** Elizabeth J. Bonomo  
Law Clerk

**RE:** Senate Bill 861 – Consumer Protection – Scanning or Swiping Identification  
Cards and Driver's Licenses – Prohibition – SUPPORT

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The Consumer Protection Division of the Office of the Attorney General supports Senate Bill 861, sponsored by Senator Kagan, which would prohibit a person from using a scanning device or card reader to collect information from an individual's driver's license or identification card, unless the person has a legitimate reason for collecting that information. The bill would also prohibit the person from retaining or selling information from an individual's license or identification card.

Driver's licenses and identification cards contain significant personal information about an individual: the holder's name, address, date of birth, ID number, photographic likeness, signature, and even health information. That information that can be used for identity theft or other nefarious purposes. Valid reasons for collecting information, such as age verification, are exempt from this bill. But with data breaches now unfortunately all too common, there is no reason why businesses should collect and retain this personal information without a good and substantial reason for doing so.

According to the Federal Trade Commission, Maryland currently ranks eleventh nationally in identity theft reports, with 343 reports per 100,000 residents in 2022 alone.<sup>1</sup> The consequences for victims of identity theft go beyond financial impacts. According to the U.S. Department of Justice, victims of these crimes "have had bank accounts wiped out, credit histories ruined, and jobs and valuable possessions taken away. In some cases, they have even been arrested for crimes they did not commit. The financial toll exacted by identity theft can be crippling, and the

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<sup>1</sup> FED. TRADE COMM'N, IDENTITY THEFT REPORTS (2023),  
<https://public.tableau.com/app/profile/federal.trade.commission/viz/FraudandIDTheftMaps/IDTheftbyState>.

emotional trauma can be as devastating as many of the most violent offenses. Far from being a victimless crime, identity theft has profound and often tragic consequences for those affected by it.”<sup>2</sup>

The Division believes that Senate Bill 861 is a reasonable measure that helps protect individuals’ personal information against misuse and respectfully recommends that the Finance Committee issue a favorable report.

cc:               Members, Senate Finance Committee  
                    The Honorable Cheryl Kagan

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<sup>2</sup> U.S. DEP’T OF JUST., IDENTITY THEFT, <https://www.ojp.gov/programs/identitytheft> (last visited Mar. 13, 2023).

**testimony2023sb861.pdf**

Uploaded by: Franz Schneiderman

Position: FAV



**Auto Consumer Alliance**  
13900 Laurel Lakes Avenue, Suite 100  
Laurel, MD 20707

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**Testimony to the Senate Finance Committee**  
**SB 861 – Consumer Protection --**  
**Scanning or Swiping Identification Cards and Driver’s Licenses – Prohibition**  
**Position: Favorable**

The Honorable Melony Griffith  
Senate Finance Committee  
3 East, Miller Senate Building  
Annapolis, MD 21401  
cc: Members, Senate Finance Committee

March 15, 2023

**Honorable Chair Griffith and Members of the Committee:**

I'm a consumer advocate and Executive Director of Consumer Auto, a nonprofit group that works for safety, transparency, and fair treatment for Maryland drivers and car buyers.

Consumer Auto supports **SB 861** because it will provide important new protections to the privacy of the data stored on driver’s licenses and ID cards. These protections are critical in a world where both identity theft and data breaches, even from what are supposed to be highly sophisticated financial firms, have become only too commonplace.

Identity theft affects millions of consumers each year. And because our driver’s licenses contain all kinds of valuable personal information about us – including our full name, Social Security number, signature, picture, height and weight, address, and date of birth, the practice of routinely checking and scanning our licenses and IDs creates many opportunities for fraudsters to filch our basic identity data. Yet it has become common for consumers to have their doctors, merchants, service providers, even their local pubs insist on seeing and scanning our ID’s or licenses before providing routine services. And a quick search on the web shows that all kinds of companies are eagerly marketing inexpensive scanning devices that tout their ability to store the personal information of thousands of customers.

This practice puts our privacy and basic data security at obvious risk. And while some merchants, medical offices, and other businesses may need to see or scan your license to verify your identity, very few of them need to glean or store more than the most basic information about you.

**SB 861** properly restricts the right to collect, store and sell such information to those who need to do so to verify the age or identity of a customer, enforce the law, prevent fraud, and conduct financial transactions. And it rightly classifies a violation of that rule as an unfair, abusive or deceptive trade practice under Maryland law.

**We support SB 861 and ask the committee to give it a FAVORABLE report.**

Sincerely,  
Franz Schneiderman  
Consumer Auto



# **SB861 Econ Action Testimony 2023.pdf**

Uploaded by: Isadora Stern

Position: FAV



**Testimony to the Senate Finance Committee**  
**SB861: Consumer Protection - Scanning or Swiping Identification Cards and Driver's Licenses -**  
**Prohibition**  
**Position: Favorable**

March 15, 2023

Senator Melony Griffith, Chair  
Senate Finance Committee  
3 East, Miller Senate Office Building  
Annapolis, Maryland 21401

Cc: Members, Senate Finance Committee

Honorable Chair Griffith and Members of the Committee:

Economic Action Maryland (formerly the Maryland Consumer Rights Coalition) is a people-centered movement to expand economic rights, housing justice, and community reinvestment for working families, low-income communities, and communities of color. Economic Action Maryland provides direct assistance today while passing legislation and regulations to create systemic change in the future.

We are here in support of SB861.

A common practice among businesses in Maryland is to require ID of consumers who are returning a purchase – even when they have a valid receipt. Businesses then scan the ID, which allows the business to record personal and non-pertinent information about the consumer. In our internet-centric society, that personal data is easily converted into money for the business through data sales and potential woes for the consumer. Businesses should not require that consumers forgo their right to privacy in order to complete a basic transaction.

SB861 is a simple fix to a problem that has the potential to grow exponentially as Big Data continues to monetize personal information. By restricting the scanning of licenses except when legally mandated or logistically necessary, this bill turns off the faucet of private data pouring into corporate bank accounts. Twelve states have already passed similar laws; Maryland should extend the same consumer privacy protections to residents of our state.

For all these reasons, we support SB861 and urge a favorable report.

Best,  
Marceline White  
Executive Director

**SB861\_ ID Swiping Testimony 3.15.23.pdf**

Uploaded by: Sen. Cheryl Kagan

Position: FAV

CHERYL C. KAGAN  
Legislative District 17  
Montgomery County

Vice Chair  
Education, Energy, and  
the Environment Committee

Joint Audit and Evaluation Committee

Joint Committee on Federal Relations



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**SB861: ID Swiping**

Finance Committee

Wednesday, March 15, 2023 1PM

[SB861](#) will prohibit the scanning of customers driver's licenses except in limited circumstances.. The bill exempts this prohibition for:

- Verifying customer age for the sale of items such as alcohol, tobacco, marijuana, etc. or access to age-restricted places such as bars
- Preventing check-cashing fraud
- Completing financial transactions where ID verification is needed, such as opening a bank account, applying for a loan, etc.
- As part of law enforcement agents acting within the scope of their duties

Technology moves much faster than legislation, which is why this bill is needed. According to [data from the Federal Trade Commission](#) there were over **1.4 million (1,434,676** to be exact) cases of identity theft in 2021, making it by far the most common form of fraud. As collection of consumer data increases, businesses of all sizes are becoming caretakers of our sensitive personal information. Additionally, by 2025, all Marylanders will be required to have a REAL ID to board commercial airlines or enter federal buildings. The Real ID contains even more sensitive data than a standard driver's license—25 vs. 18 categories of personal information—including: driver's license number; organ donor status; home address; date of birth; height; weight; fingerprint; medical information; and court-ordered restrictions. This will create even more avenues for fraud or identity theft. According to [Experian](#), a credit reporting giant, "It's easy to overlook your driver's license, but this little card can be a golden ticket for thieves."

It is unnecessary and dangerous for any business to be allowed to scan and store the details found on a license. There have been numerous high-profile incidents demonstrating that even large corporations do not have the ability to properly secure customers' information. The Identity Theft Resource Center reports that there were [1802 corporate data breaches](#) last year that exposed personal data, affecting companies of all sizes. Twitter (6 million users), AT&T (23 million), Cash App (8 million), and even Chick-Fil-A have had data breaches in the past year. Other data breaches from the past year [include](#):

- T-Mobile,

CHERYL C. KAGAN  
Legislative District 17  
Montgomery County

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*Vice Chair*  
Education, Energy, and  
the Environment Committee

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Joint Audit and Evaluation Committee  
Joint Committee on Federal Relations



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

- Verizon,
- Uber,
- Toyota,
- American Airlines; and many many more!

12 other states (*both red and blue*) have already acted to defend their consumers by enacting similar legislation—Virginia ('20), New Jersey ('17), Florida ('16), California ('15), Oregon ('15), Ohio ('15), Hawaii ('12), Texas ('10), Georgia ('10), Nebraska ('10), Rhode Island ('04), and New Hampshire ('03). Maryland should join them.

This is a common sense approach—the best defense against a data breach is not collecting the personal information in the first place.

**I urge a favorable report on SB861.**

# **SB861 UNFAV ID Swiping .pdf**

Uploaded by: Sarah Miicke

Position: UNF

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President
- ROBIN WEIMAN  
1<sup>st</sup> Vice President
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**MEMBER ORGANIZATIONS**

- Adat Chaim Congregation
- American Jewish Committee
- Americans for Peace Now  
Baltimore Chapter
- American Israel Public Affairs Committee
- American Red Magen David for Israel
- American Zionist Movement
- Amit Women
- Association of Reform Zionists of America
- Baltimore Board of Rabbis
- Baltimore Hebrew Congregation
- Baltimore Jewish Green and Just Alliance
- Baltimore Men's ORT
- Baltimore Zionist District
- Beth Am Congregation
- Beth El Congregation
- Beth Israel Congregation
- Beth Shalom Congregation of  
Howard County
- Beth Tfiloh Congregation
- B'nai B'rith, Chesapeake Bay Region
- B'nai Israel Congregation
- B'nai Jacob Shaarei Zion Congregation
- Bolton Street Synagogue
- Chevra Ahavas Chesed, Inc.
- Chevrei Tzedek Congregation
- Chizuk Amuno Congregation
- Congregation Beit Tikvah
- Congregation Tiferes Yisroel
- Federation of Jewish Women's  
Organizations of Maryland
- Hadassah
- Har Sinai - Oheb Shalom Congregation  
J Street
- Jewish Federation of Howard County
- Jewish Labor Committee
- Jewish War Veterans
- Jewish War Veterans, Ladies Auxiliary
- Jewish Women International
- Jews For Judaism
- Moses Montefiore Anshe Emanah  
Hebrew Congregation
- National Council of Jewish Women
- Ner Tamid Congregation
- Rabbinical Council of America
- Religious Zionists of America
- Shaarei Tfiloh Congregation
- Shomrei Emanah Congregation
- Suburban Orthodox Congregation
- Temple Beth Shalom
- Temple Isaiah
- Zionist Organization of America  
Baltimore District

**WRITTEN TESTIMONY**

**Senate Bill 861- Consumer Protection - Scanning or Swiping  
Identification Cards and Driver's Licenses – Prohibition**

**Finance Committee -March 15, 2023**

**Oppose**

**Background:** Senate Bill 861 (SB861) would prohibit individuals and business from using ID scanning devices to scan or swipe ones identification card or driver’s license to obtain and store personal information. This bill has very few exemptions and does not address the security reasons many organizations need to use them, including our public schools and institutions at risk of hate crimes.

**Written Comments:** The Baltimore Jewish Council represents The Associated Jewish Community Federation of Baltimore and all of its agencies. We oppose SB861 because it would prohibit one of the most common security mechanisms that we, our schools, synagogues, and institutions use every day to keep our community safe. One of the most popular systems used by our community and virtually all of Maryland’s public schools is Raptor. Raptor’s visitor management system swipes IDs to look for people on the sex offender registry, criminal history background, and other safety measuring including saving custodial rights information to their system to make sure children are handed over to their rightful guardian.<sup>1</sup> SB861 would not allow Raptor and similar systems to be used for this needed safety mechanism. Further these systems are considered so important that the Federal Homeland Security Grant Program which provides grantees with the resources required to protect against, mitigate and respond to and recover from acts of terrorism and other threats, funds systems such as LenelS2 (used by our JCC’s) and Raptor. The State of Maryland also provides funds for these systems under several grants, including the Maryland Safe School’s Grant Fund.<sup>2</sup> We should not be banning mechanisms that our Federal Government and State both see as important in keeping communities safe.

For these reasons and more, we ask the committee for an unfavorable report of SB 861.

*The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of The Associated: Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.*

<sup>1</sup> <https://raptortech.com/protect-your-school/raptor-visitor-management-system/>

<sup>2</sup> <https://raptortech.com/school-safety-grants-and-federal-funding/#maryland>

