



Testimony to the Senate Finance Committee  
SB 698: Consumer Protection-Biometric Data Privacy  
Position: Favorable

March 8, 2023

The Honorable 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 writing in support of SB 698 and urge a favorable report.

Biometric identifiers (palm, fingerprint, iris, voice, face) are increasingly being used by law enforcement, airports, property management firms, and employers. Currently there are few restrictions on how companies collect, analyze, store, share, or sell our personal biometric identifiers. Unlike a credit card, we can't get new biomarkers.

While some consumers may choose to use biometrics to, for example, open their smartphone with their fingerprint, it is their choice to do so for security and/or ease. In other cases, the individual may not be aware that their biometric data is being collected and stored.

SB 698 establishes reasonable limits on the collection, use, and storage of biometric data. It prohibits businesses from collecting biometric data without consumer consent. It also prohibits businesses from selling or sharing consumer biometric data.

In addition, SB 698 requires that biometric information be destroyed when it is no longer in use. Several other states have already enacted laws to protect consumers' biometric information, including California, Illinois, Texas, and Washington. These protections are particularly important given the



uniqueness of biometric identifiers. Unlike account numbers, once biometric data has been breached, it is compromised forever—you cannot change your fingerprint or iris if it gets stolen.

Data thieves have already begun to target biometric data; in 2019, data thieves breached an international database and gained access to more than a million fingerprints and other sensitive data, including photographs of people and facial recognition data.

Like the laws already in effect in Illinois and California, SB 698 provides for a private right of action. Given the high cost when an individual's biometrics are compromised, businesses must be held accountable if they sell or misuse an individual's biometric data.

For all these reasons, we support SB 698 and urge a favorable report.

Best,

Marceline White  
Executive Director