



February 8, 2023

The Honorable Melony Griffith
Chair
Senate Finance Committee
Maryland General Assembly
Annapolis, Maryland 21401

RE: SIA Recommended Amendments to SB 169 Concerning Biometric Data

Dear Chair Griffith, Vice-Chair Klausmeier and Members of the Senate Finance Committee:

On behalf of the Security Industry Association (SIA) and our members, I am writing to express our opposition to SB 169 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, at a time when many states have now enacted or are considering broader data privacy measures that include protections for biometric data, and the prospect of a federal law setting nationwide data privacy rules draws nearer, SB 169 is the wrong approach, as it would import an outdated and problematic model from Illinois that is incompatible with the common frameworks that are emerging.

No other state has adopted legislation similar to the Illinois Biometric Information Protection Act (BIPA) of 2008, which has resulted in more harm to consumers and local businesses than any protections. There, businesses have been extorted through abusive “no harm” class actions, 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 development and use of advanced technologies that benefit them. Beyond opening the door to lawsuit abuse with enforcement through a private right of action and the harm that brings, there are also very real consequences to consumers – including their privacy – for imposing unnecessary limits through overregulation.

In several examples, as currently written SB 169 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 allows “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.

We continue to believe that protecting biometric data is best addressed within a broader data privacy framework that protects all types of personal information. However, if the committee decides to move SB 169 forward, key changes are critical to preventing negative impact 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,



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