



Testimony to the House Economic Matters Committee  
SB 169: Commercial Law-Consumer Protection-Biometric Identifiers  
Privacy

Position: Favorable

February 9, 2022

The Honorable Melony Griffith, Chair  
Senate Finance Committee  
Third Floor, 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 today in strong support of SB 169. SB 169 provides common-sense guardrails to protect Marylanders biometric privacy. Many of these protections in SB 169 are enshrined in law for other types of data to protect consumers-SB 169 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.

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SB 169 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 SB 169 and urge a favorable report.

Best,

Marceline White  
Executive Director

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