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**TESTIMONY OF CBAC GAMING (HORSESHOE CASINO BALTIMORE)
IN SUPPORT WITH AMENDMENTS
SB 169 / HB 33 “Commercial Law – Consumer Protection – Biometric Data Privacy”**

CBAC Gaming is the licensee of Horseshoe Casino Baltimore. Horseshoe is one of the state’s six video lottery facilities and offers slots, table games and sports wagering. The Maryland Lottery & Gaming Control Agency has established a comprehensive regulatory framework to protect the state’s interests in commercial gaming and ensure both the casino operator and casino patrons comply with the state’s laws and standards. SB 169 / HB 33 restricts a casino’s use of biometric data and these restrictions could hamper a casino’s efforts to prevent fraud, theft and other illicit activities occurring on the property. The amendment below removes the restrictions for gaming/wagering entities licensed by the state. 14-4502.

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND SUBSECTION (B) OF THIS SECTION, EACH PRIVATE ENTITY IN POSSESSION OF BIOMETRIC DATA SHALL DEVELOP A WRITTEN POLICY, MADE AVAILABLE TO THE PUBLIC, ESTABLISHING A RETENTION SCHEDULE AND GUIDELINES FOR PERMANENTLY DESTROYING BIOMETRIC DATA ON THE EARLIEST OF THE FOLLOWING:

- (I) THE DATE ON WHICH THE INITIAL PURPOSE FOR COLLECTING OR OBTAINING THE BIOMETRIC DATA HAS BEEN SATISFIED;
- (II) WITHIN 3 YEARS AFTER THE INDIVIDUAL’S LAST INTERACTION WITH THE PRIVATE ENTITY IN POSSESSION OF THE BIOMETRIC DATA; OR
- (III) WITHIN 30 DAYS AFTER THE PRIVATE ENTITY RECEIVES A VERIFIED REQUEST TO DELETE THE BIOMETRIC DATA SUBMITTED BY THE INDIVIDUAL OR THE INDIVIDUAL’S REPRESENTATIVE.

(2) ABSENT A VALID WARRANT OR SUBPOENA ISSUED BY A COURT OF COMPETENT JURISDICTION, EACH PRIVATE ENTITY IN POSSESSION OF BIOMETRIC DATA SHALL COMPLY WITH THE RETENTION SCHEDULE AND DESTRUCTION GUIDELINES DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) A PRIVATE ENTITY IN POSSESSION OF BIOMETRIC DATA FOR FRAUD PREVENTION OR SECURITY PURPOSES IS NOT REQUIRED TO DESTROY AN INDIVIDUAL’S BIOMETRIC DATA IN ACCORDANCE WITH PARAGRAPH (1)(II) AND (III) OF THIS SUBSECTION IF THE INDIVIDUAL IS PART OF THE STATE VOLUNTARY EXCLUSION PROGRAM **ENTITY IS LICENSED BY THE MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY.**

Submitted by: Michael Johansen, RWL for CBAC Gaming
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