



March 26, 2024

Testimony of Laura Hale
American Heart Association

Favorable W/ Amendment SB 541 Maryland Online Data Privacy Act of 2024

Dear Chair Wilson, Vice Chair Crosby and Honorable Members of the Economic Matters Committee,

Thank you for the opportunity to speak before the committee today. My name is Laura Hale, and I am the Director of Government Relations for the American Heart Association. The American Heart Association expresses its support for SB 541 with one amendment.

We appreciate your leadership on the important issue of consumer data privacy and support the Legislature's desire to establish important consumer protections. The AHA shares this goal and, as such, uses industry standard security protocols to protect our donors' and volunteers' information, and readily make our privacy policy available to the public. We do, however, have some concerns that the current version of Senate Bill 541 will create unintended consequences for non-profit organizations.

The cost of proving our compliance with the policy is high and is burdensome for nonprofit organizations. Every dollar that a public charity must devote to data privacy compliance is a dollar that we cannot use to further our missions. For AHA, this means less going toward funding cardiovascular research, setting clinical guidelines for cardiac and stroke care, and providing CPR training materials and courses that are used throughout the US. Moreover, when a public charity like AHA does not commercialize that data (i.e., sell it), the costs are even more painful. Donors expect their funds to support the mission, not for handling consumer data questions and portability support requests, and they can easily read the privacy policies and charity watchdog ratings to see how their data is used.

With that in mind, we recommend connecting 501(c)3 nonprofit compliance with this legislation to the Better Business Bureau Standards for Charity Accountability¹. By being registered and in compliance with these standards, we are following the spirit and intent of the Data Privacy Law. By being able to demonstrate that we are registered and in compliance (by the rating provided by the BBB Standards for Charity Accountability) nonprofits would both demonstrate that we are complying with data privacy, but also remove the more burdensome process of demonstrating this compliance. Below I have copied the standards outlined by the BBB Standards for Charity Accountability:

¹ [Implementation Guide to the BBB Standards for Charity Accountability \(give.org\)](https://www.give.org/standards)

“Address privacy concerns of donors by

- a. providing in written appeals, at least annually, a means (e.g., such as a check off box) for both new and continuing donors to inform the charity if they do not want their name and address shared outside the organization, and
- b. providing a clear, prominent and easily accessible privacy policy on any of its websites that tells visitors (i) what information, if any, is being collected about them by the charity and how this information will be used, (ii) how to contact the charity to review personal information collected and request corrections, (iii) how to inform the charity (e.g., a check off box) that the visitor does not wish his/her personal information to be shared outside the organization, and (iv) what security measures the charity has in place to protect personal information. “

Bearing this in mind, we ask for a tailored amendment that substantively reflects what is outlined below. We are very open to conversations on how best to work towards this amendment (or similar language) and look forward to continued discussion with the sponsors.

Amendment Language:

14-4603

A. THIS SUBTITLE DOES NOT APPLY TO:

.....

(4) A 501(c)3 NONPROFIT CHARITY THAT IS REGISTERED WITH THIS STATE AND COMPLIANT WITH THE BETTER BUSINESS BUREAU WISE GIVING ALLIANCE STANDARDS FOR CHARITY ACCOUNTABILITY

The American Heart Association urges amending this legislation to lessen the burden on nonprofits for compliance with this legislation.