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March 5, 2025

**TO:** The Honorable Guy Guzzone, Chair  
Budget and Taxation Committee

**FROM:** Hanna Abrams, Assistant Attorney General

**RE:** Senate Bill 904– Data Brokers – Registry and Gross Income Tax (Building Information  
Guardrails Data Act of 2025) (SUPPORT WITH AMENDMENT)

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The Consumer Protection Division of the Office of the Attorney General supports Senate Bill 904 (“SB 904”), sponsored by Senators Hester, Ferguson, Love, Gile, Jackson, and Rosapepe with amendments. Senate Bill 904 creates a data broker registry and tax and establishes a Privacy Protection and Enforcement Unit in the Consumer Protection Division of the Office of the Attorney General.

### **Privacy Protection and Enforcement Unit**

Senate Bill 904 creates a Privacy Protection and Enforcement Unit. In 2024, the General Assembly passed two privacy/tech related statutes: the Maryland Online Data Privacy Act (“MODPA”) and the Maryland Age-Appropriate Design Code. The sole enforcement mechanism provided in those statutes is the Office of the Attorney General; there is no private right of action. This session the legislature is considering significant legislation to regulate artificial intelligence, algorithms, and other technologies.

The Office of the Attorney General needs staff with specialized knowledge of technology and the technology industry to protect Marylanders from privacy harms. Without resources, these statutes will remain hollow rather than provide the robust protections the legislature intended. The Office’s staffing needs were crafted considering the unit’s enforcement and education responsibilities as well as headcounts in privacy units in states that have already enacted comprehensive privacy legislation and are similar in size to Maryland.

### **Amendments**

The Division believes that the following amendment to SB 904 is warranted:

- Page 4, line 1 should be amended to read: “(i) The Maryland Online Data Privacy Act; (ii) the Maryland Personal Information Protection Act; (iii) the Maryland Age-Appropriate Design Code Act”

It should also be noted that although “brokered personal data” is defined to include categorizing or organizing for sale or licensing to another entity “biometric information,” MODPA prohibits the sale of biometric data. Commercial Law Article § 14-4607.

Accordingly, we urge the Budget and Taxation Committee to issue a favorable report on SB 904 with the amendments discussed.

cc: Members, Budget and Taxation Committee  
The Honorable Katie Fry Hester  
The Honorable Bill Ferguson  
The Honorable Sara Love  
The Honorable Dawn D. Gile  
The Honorable Michael A. Jackson  
The Honorable Jim Rosapepe