

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement



**STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL**

ANTHONY G. BROWN
Attorney General

WILLIAM D. GRUHN
Division Chief

PETER V. BERNIS
General Counsel

CHRISTIAN E. BARRERA
Chief Operating Officer

HANNA ABRAMS
Assistant Attorney General

March 4, 2025

TO: The Honorable C.T. Wilson, Chair
Economic Matters Committee

FROM: Hanna Abrams, Assistant Attorney General

RE: House Bill 1365 – Commercial Law – Online Data Privacy – Limits on Data
Collection (UNFAVORABLE)

The Consumer Protection Division of the Office of the Attorney General opposes House Bill 1365 (“HB 1365”), sponsored by Delegate Andrea Fletcher Harrison. House Bill 1365 asks the legislature to reconsider the Maryland Online Data Privacy Act’s (“MODPA”) data minimization language before the law has even gone into effect. MODPA’s data minimization language is an important privacy protection that was intended to ensure that a consumer’s personal data is used only for the purposes for which it was collected.

After six years of considering various forms of privacy legislation, the General Assembly passed MODPA in 2024. MODPA provides consumers with certain rights vis-à-vis their personal data and limits the personal data that companies can collect. Because these systems are complex, businesses began taking steps to ensure compliance last year. Altering MODPA’s standards while companies are in the process of implementing the existing guidelines penalizes law-abiding companies.

Moreover, by focusing on the company’s privacy disclosure rather than the purpose for which the consumer engages with the business, the bill would negate the protection that MODPA affords consumers. Since the proposed language is tied to the purpose “as disclosed to the consumer,” it allows businesses to draft lengthy, and ultimately meaningless privacy disclosures that “disclose” any and all potential uses of the consumer personal data. In contrast, MODPA’s existing language limits the collection of personal data to what is reasonably necessary and proportionate to provide the product or service “requested by the consumer.” Md. Code, Com. Law § 14-4707.

Accordingly, we urge the Economic Matters Committee to issue an unfavorable report on HB 1365.

cc: Members, Economic Matters Committee
The Honorable Andrea Fletcher Harrison