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February 25, 2025

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

The Honorable Vanessa E. Atterbeary, Chair
Ways and Means Committee

FROM: Hanna Abrams, Assistnat

RE: House Bill 1089– Data Brokers – Registry and Gross Income Tax
(Building Information Guardrails Data Act of 2025) (SUPPORT WITH
AMENDMENT)

The Consumer Protection Division of the Office of the Attorney General supports House Bill 1089 (“HB 1089”), sponsored by Delegate Solomon, with amendments. House Bill 1089 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

House Bill 1089 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 amendments to HB 1089 are 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 Economic Matters Committee and Ways and Means Committee to issue a favorable report on HB 1089 with the amendments discussed.

cc: Members, Economic Matters Committee
Members, Ways and Means Committee
The Honorable Jared Solomon