

February 27, 2025

Maryland General Assembly
House Judiciary Committee
100 Taylor House Office Building
Annapolis, MD 21401

Re: Testimony of EPIC in favor of House Bill 1431

Dear Chair Clippinger, Vice Chair Bartlett, and Committee Members,

EPIC writes to urge you to advance HB 1431, a bill that would require sensible restrictions on access to Marylanders' information for the purpose of enforcing federal immigration law. Now, more than ever, there is a need to ensure Marylanders' information is protected from federal phishing expeditions and that federal access to their information is transparent and restricted to what is necessary and proper.

The Electronic Privacy Information Center (EPIC) is a public interest research center established in 1994 to focus public attention on emerging privacy and civil liberties issues.¹ EPIC has long advocated for proper limits and restrictions on access and disclosure of information held by government agencies.²

HB 1431 builds on existing Maryland law, which already restricts the disclosure of driver's license information to federal immigration enforcement agencies.³ This bill would extend protections to all of Marylanders' information held by Maryland state agencies and create consistency with how state agencies address requests from federal immigration enforcement agencies. HB 1431 is built on several important aspects of privacy:

- **Transparency:** HB 1431 requires an annual report to detail the number and nature of the requests as well as whether the requests were granted or denied, ensuring Marylanders know who is attempting to access their information and why.
- **Authority:** HB 1431 only grants the authority to access Marylander's information for the purpose of enforcing federal immigration law when a valid warrant is presented, ensuring that there is a good reason to access the information and preventing phishing expeditions.

¹ EPIC, *About EPIC*, <https://epic.org/epic/about.html>.

² See Press Release, EPIC, *EPIC, Democracy Forward, and Federal Worker Sue DOGE for Illegal Seizure of Personal Data From Treasury, Personnel Systems* (Feb. 10, 2025), <https://epic.org/press-release-epic-democracy-forward-and-federal-worker-sue-doge-for-illegal-seizure-of-personal-data-from-treasury-personnel-systems/>; EPIC, *EPIC v. Commerce (Census Privacy)*, <https://epic.org/documents/epic-v-commerce-census-privacy/>; EPIC, *EPIC v. Presidential Election Commission*, <https://epic.org/documents/epic-v-presidential-election-commission/>.

³ Maryland Driver Privacy Act, <https://mgaleg.maryland.gov/mgaweb/Legislation/Details/HB0023?ys=2021RS>.

- **Specification:** HB 1431 requires any individual seeking access to Marylanders' information for the purpose of enforcing federal immigration law to specify the record to be accessed.
- **Accountability:** HB 1431 not only requires a warrant for federal immigration law enforcement but also requires individuals seeking access for other purposes to provide a statement, under penalty of perjury, that they are not seeking access to enforce federal immigration law.
- **Enforcement:** HB 1431 makes clear there will be consequences for violations, including loss of employment, and empowers the state Attorney General to enforce the requirements of the bill with civil penalties.

We urge the Committee to advance HB 1431 and provide Marylanders with meaningful privacy protections from unwarranted access to their information. HB 1431 ensures Marylanders are not afraid to interact with their state government. Whether information is provided to file states taxes or to come forward as a witness to a crime, Marylanders must know that their state government will protect their information and be good stewards of the data they collect.

Thank you for the opportunity to testify, please reach out with any questions to EPIC Senior Counsel Jeramie D. Scott at scott@epic.org.

Sincerely,

Jeramie D. Scott

Jeramie D. Scott
EPIC Senior Counsel