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HB 1431: State and Local Agencies - Enforcement of Federal Immigration Law - Restrictions on
Access to Information (Maryland Data Privacy Act)
House Judiciary Committee, February 27, 2025
Position: **Favorable**

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

The Public Justice Center strongly supports HB 1431, the Maryland Data Privacy Act, and urges you to issue a favorable report.

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty legal services organization which seeks to advance social justice, economic and racial equity, and fundamental human rights in Maryland. The PJC provides advice and representation to low-income clients, advocates before legislatures and government agencies, and collaborates with community and advocacy organizations; we actively incorporate anti-racism and racial equity goals into our advocacy work. Our organization frequently represents and partners with immigrants and immigrant communities impacted by this legislation. For example, we represent tenants in eviction cases and cases seeking to hold their landlord accountable for dangerous conditions of disrepair, and we advance equitable access to school by representing students and families. We also represent workers whose employers are paying less than minimum wage, denying overtime benefits, or unfairly classifying them as contractors.

In recent years, the erosion of data privacy protections has led to increased fear and uncertainty within immigrant communities. The Maryland Data Privacy Act takes critical steps to restore trust by ensuring that state and local agencies, as well as law enforcement entities, are prohibited from sharing personal information, facial recognition data, and access to public facilities with federal immigration authorities unless a valid warrant is presented.

PJC's clients and Maryland communities will be irreparably harmed by ICE practices unless the General Assembly passes HB 1431. Our renter-clients who are immigrants are already often terrified to come to court to defend their eviction cases or to hold their landlord accountable for dangerous conditions of disrepair. The most unscrupulous landlords proactively use the threat of immigration enforcement to suppress any complaints about the property, even when conditions like a collapsing roof or no heat pose a serious threat to the family within. Our renter-clients who

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are immigrants are concerned that if they participate in a court action, ICE could gain access to case information to facilitate deportation. Sometimes this fear that information will be shared with ICE extends even to reaching out for legal advice or representation to defend their cases. When renters do not defend court cases and are subsequently evicted, the entire state suffers. [Preventing eviction saves the state money by reducing homelessness and state-funded safety net costs](#) related to shelter, educating students experiencing homelessness, health care, foster care, decreased incarceration, and the economic impacts of increased employment and income stability. Additionally, when renter-immigrants are terrified of coming to court because their information could be shared with ICE, they are much less likely to hold their landlord accountable for dangerous conditions through a court action – which means that the whole neighborhood suffers from the blight and decay perpetuated by negligent property owners.

HB 1431 also provides important protections for clients of the PJC’s Education Stability Project, which advances equity in public education by combatting discipline practices that disproportionately push Black and brown children, and children with disabilities, out of school. The threat and fear of immigration enforcement also impedes equitable access to school and infringes upon the right of all Maryland children to receive a public education regardless of immigration status. HB 1431 is necessary to protect that right. In new [guidance on immigration enforcement actions at Maryland schools issued in 2025](#), the Maryland State Department of Education noted that various existing laws protect the confidentiality of student records and advised local school officials to cooperate with law enforcement and federal immigration authorities “in accordance with their school district policies and guidelines and in consultation with their attorneys.” This guidance is insufficient to protect students and assuage their credible fears, particularly given the current climate in Maryland schools. For instance, in a [February 2025 social media post tagging ICE](#), an Overlea High School teacher stated: “If you want the names to investigate families to find illegals, let me know in dm [direct message],” . . . “I’ll give names and school. All in Md.” HB 1431’s clear mandate of a valid warrant issued by a federal or state court, and penalties for violations, is vital to ensuring student privacy and protecting the right of all children to attend school in Maryland.

The Public Justice Center stands with immigrant communities and supports the Maryland Data Privacy Act because it will:

1. **Limit Access to Databases and Facilities:** Law enforcement agencies and state or local government units must deny access to sensitive data and facilities to individuals seeking to enforce federal immigration law without a valid court-issued warrant.
2. **Protect Personal Information:** The Act prohibits the disclosure of personal data, photographs, and biometric information, such as facial recognition scans, to federal immigration authorities unless due legal processes are followed.
3. **Provide Accountability and Transparency:** Agencies must maintain records of all access requests and submit annual reports to the Attorney General and the General Assembly to ensure compliance and transparency.
4. **Ensure Enforcement and Penalties:** The Attorney General is empowered to enforce these protections, with civil penalties for violations and disciplinary actions for state employees who fail to comply.

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This legislation is crucial not only for protecting the privacy of all Maryland residents but also for fostering trust between immigrant communities and public institutions. By clearly delineating the boundaries of federal immigration enforcement within our state, we promote the values of dignity, safety, and fairness.

In 2021, this legislature took action to protect immigrants and safeguard their sensitive data. The Public Justice Center once again calls on this Committee to act and provide a **favorable report on HB 1431**.