

March 24, 2025

Delegate Luke Clippinger, Chair
Delegate J. Sandy Bartlett, Vice Chair
House Judiciary Committee
Maryland General Assembly

Re: Testimony of EPIC on SB 977 (FAV)

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

EPIC writes to urge you to advance SB 977, 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

SB 977 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. SB 977 is built on several important aspects of privacy:

- **Transparency:** SB 977 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:** SB 977 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/about/>.

² See e.g. 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/mgawebsite/Legislation/Details/HB0023?ys=2021RS>.

- **Specification:** SB 977 requires any individual seeking access to Marylanders’ information for the purpose of enforcing federal immigration law to specify the record to be accessed.
- **Accountability:** SB 977 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:** SB 977 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.

To help accomplish these goals, SB 977 rightfully addresses downstream retention of data from state agencies by data brokers. Thousands of data brokers in the United States buy, aggregate, disclose, and sell billions of data elements on Americans with virtually no oversight. Data brokers collect and aggregate many types of personal information: names, addresses, telephone numbers, e-mail addresses, gender, age, marital status, children, education, profession, income, political preferences, religion, sexual orientation, race, ethnicity, and cars and real estate owned. For these companies, consumers are the product, not the customer. This data could be used to target immigrants for deportation.⁴

Data brokers obtain our personal information from a myriad of sources including public records, jail records, utilities data, commercial records, housing records, and more. Data brokers have a history of providing federal immigration officials with the exact types of data that this bill is seeking to ensure proper legal process to obtain.⁵ Federal immigration officials should not be able to do a run-around this law, the Fourth Amendment, or Article 26 of the Maryland Declaration of Rights by obtaining (without legal process) the personal data of your constituents from a data broker.

We urge the Committee to advance SB 977 and provide Marylanders with meaningful privacy protections from unwarranted access to their information. SB 977 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.

Sincerely,

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⁴ EPIC and Just Futures Law, *How Data Brokers Harm Immigrants*, <https://epic.org/wp-content/uploads/2024/10/Data-Broker-Harms-to-Immigrants-One-Pager-1.pdf>.

⁵ See e.g. Mijente and Just Futures Law, *How Data Brokers Assist ICE in Cook County*, <https://static1.squarespace.com/static/62c3198c117dd661bd99eb3a/t/65283e83622fff1ee8837590/1697136260425/Final+Cook+County+Fact+Sheet+and+Graphic+2.pdf>; Just Futures Law and Mijente, *The Data Broker to Deportation Pipeline: How Thomson Reuters & LexisNexis Share Utility & Commercial Data with ICE*, <https://static1.squarespace.com/static/62c3198c117dd661bd99eb3a/t/62df020189b0681d1b9398a8/1658782211567/Commercial+and+Utility+Data+Report.pdf>.