

Testimony in SUPPORT of HB 1431

State and Local Agencies - Enforcement of Federal Immigration Law - Restrictions on Access to Information (Maryland Data Privacy Act)

Senate Judiciary Proceedings Committee OR House Judiciary Committee

February 25, 2025

SB: Dear Honorable Chair Smith, Vice Chair Waldstreicher, and Members of the Committee,

I am pleased to offer a favorable testimony in strong support of SB 977 /HB 1431- State and Local Agencies - Enforcement of Federal Immigration Law - Restrictions on Access to Information (Maryland Data Privacy Act).

I am a general and emergency psychiatrist treating people with psychosis and suicidal ideation, amongst other psychiatric emergencies. My duty is to treat patients regardless of their immigration status. My patients often already have paranoid ideation because of their baseline mental illness or temporary condition, and it is imperative they feel safe consulting a physician. Patient data must be protected to ensure my patients can trust me to help them. When data is shared with federal immigration authorities, trust is eroded, and my patients may not seek help. Patients who suffer alone are at higher risk of self-harm including suicide, as well as at higher risk of harming others including their own family.

In recent years, the erosion of data privacy protections has led to increased fear and uncertainty within immigrant communities. The Maryland Data Privacy Act SB 977 /HB 1431 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.

My patients need to feel safe seeking my help, and they also need to feel safe doing the things that help their mental health and that of their community. My patients need to go to the doctor without fear, they need to go to school or send their children to school without fear and they need to be able to go to their place of worship without fear of immigration enforcement activities at these locations.

I have treated patients who were reluctant to divulge the number of problems in their life causing the enormity of stress driving them to think about suicide. If a person cannot even speak to their doctor, or a therapist, about their problems, these problems will grow into a festering wound. As providers, we need to be able to communicate amongst ourselves to best help our mutual patients and we cannot do that efficiently without using the digital means at our fingertips, email and electronic health records. If we know these are being scrutinized with the sole purpose of immigration enforcement, this could influence the way we document patient encounters. As physicians, we only have the best interest of the patient in mind; our patient notes must be protected by the doctor-patient relationship.

I stand with immigrant communities and support the Maryland Data Privacy Act because it will:

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.

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.

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.

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.

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.

Dr. Anna Spector, MD MPH