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March 10, 2026

TO: The Honorable Kriselda Valderrama, Chair
Economic Matters Committee

FROM: Hanna Abrams, Assistant Attorney General

RE: House Bill 1089 – Consumer Protection – Data Broker Registry –
Establishment (SUPPORT WITH AMENDMENTS)

The Consumer Protection Division of the Office of the Attorney General supports, with the amendments discussed below, House Bill 1089 (“HB 1089”), sponsored by Delegates Wu and Fair. House Bill 1089 requires data brokers that trade in the personal data of Maryland residents to register with the state.

Data brokers are companies that collect, aggregate, and sell personal information about people with whom they have no direct relationship. Since they have no direct relationship with consumers, people are often unaware they exist. In selling sensitive personal data without consumer knowledge or consent, data brokers increase Marylanders’ vulnerability to scams, stalking, data breaches, identity theft, and discrimination. House Bill 1089 requires data brokers to register in Maryland in order to provide consumers with information about how their personal data is bought and sold.

The Division supports House Bill 1089, but recommends deleting page 2, lines 1-5 which exempts entities subject to the Gramm-Leach-Bliley Act (GLBA), the Health Insurance Portability and Accountability Act (HIPAA) as well as nonprofits. A data broker registry does not limit the amount of data that is collected, marketed, or sold or even how it is used; it merely informs the public which entities buy and sell data. Eliminating the exemptions to HB 1089 would further the bill’s purpose of transparency and help Marylanders understand data broker practices without restricting lawful commerce. Moreover, there is little justification for exempting any entity from the registry requirement, even those regulated by certain federal statutes, since they are already obligated to register in Vermont.¹ If any exemption is applied,

¹ 9 Vt. Stat. Ann. § 2430.

however, it should be limited to data collected pursuant to and in compliance with the GLBA or the HIPAA.

The Division recommends adding the word “shares” to the definition of data broker (page 1, line 20) so that brokering includes selling, licensing, or sharing of personal data to third parties with whom the consumer does not have a direct relationship. For clarity, the Division recommends including in HB 1089 the following definition of “personal consumer data:”

information that is linked or can be reasonably linked to an identified or identifiable consumer.

This definition is consistent with that found in the Maryland Online Data Privacy Act.²

Furthermore, the Division also recommends eliminating or at least reducing the six-month cure period. Cure periods have been employed in new statutes that implement complex and innovative technology requirements. A cure period is unnecessary for a simple registry requirement. If a cure period is authorized, six months is entirely too long a cure period for the failure to register which can easily be fixed expeditiously.

Finally, the Division asks that the registry be established in the Comptroller’s office rather than the Office of the Attorney General as they have the infrastructure to establish a registry and implement a tiered fee structure efficiently. To that end, Senate Bill 616 and House Bill 1220, both establish a data broker registry within the Comptroller’s office.

The Division asks the Economic Matters Committee to issue a favorable report with the amendments discussed.

cc: Delegate Chao Wu
Delegate Kris Fair
Members, Economic Matter Committee

² Md. Code Ann., Com. Law § 14-4701 et seq.