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February 24, 2026

TO: The Honorable Kriselda Valderrama, Chair
Economic Matters Committee

FROM: Hanna Abrams, Assistant Attorney General

RE: House Bill 711 – Data Privacy – Consumer Data, Public Records, and
Message Switching System (Data Privacy Act) – Letter of Concern

The Consumer Protection Division of the Office of the Attorney General supports the objective of House Bill 711 (“HB 711”), sponsored by Delegates Charkoudian, Solomon, and Wolek, but has reservations about the statutory mechanism used to achieve that goal. House Bill 711 amends the Maryland Online Data Privacy Act (“MODPA”) to create a new category of sensitive attributes and prohibits the sale of sensitive data and other uses for immigration enforcement purposes.¹

The Division has concerns about the proposed amendment to MODPA creating a category of “sensitive attributes” that is not utilized in the substantive provisions of MODPA, thereby creating an unnecessary complexity in the statutory framework. Additionally, the Division is concerned about the structural intertwining of the proposed prohibition on the sale of sensitive data for immigration enforcement purposes with the existing prohibitions on the sale of children’s data. The protections provided to children and the accompanying knowledge standard should remain standalone provisions.

The Division has spoken to Delegate Charkoudian and proponents of HB 711 about our concerns and urges the Economic Matters Committee to consider these concerns in evaluating HB 711.

cc: Delegate Lorig Charkoudian
Delegate Jared Solomon
Delegate Sara Wolek
Members, Economic Matters Committee

¹ The Division’s testimony is limited to the MODPA provisions of HB 711.