



## Testimony in SUPPORT of House Bill 711

HB 711 - Data Privacy - Consumer Data, Public Records, and Message Switching System  
(Data Privacy Act)

Economic Matters Committee

Dear Honorable Chair Valderrama, Vice Chair Charkoudian, and Members of the Committee:

We Are CASA (formerly, “CASA”) is pleased to offer **favorable testimony in support of HB 711 - Data Privacy - Consumer Data, Public Records, and Message Switching System (Data Privacy Act)**.

We Are CASA is a national organization building power and improving the quality of life in the working-class: Black, Latino/a/e, Afro-descendent, Indigenous, and Immigrant communities. With a membership of over 173,000 members, CASA creates change with its power-building model blending human services, community organizing, and advocacy to serve the full spectrum of the needs, dreams, and aspirations of members. For nearly forty years, CASA has employed grassroots community organizing to bring our communities closer together and fight for justice, while simultaneously providing vital services to communities across the state and beyond.

### **1. The Threat of Data Weaponization is Becoming Increasingly Dangerous for Immigrants**

Today, We Are CASA members and communities face escalating threats fueled by the misuse of personal data. Immigration enforcement agencies, particularly ICE, are leveraging vast amounts of commercially available and government-held data to target individuals who engage in civic life, advocate for their rights, or simply seek to live and work in dignity. When paired with powerful new technologies, unrestricted access to personal data becomes a tool of surveillance, intimidation, and discrimination.

Below are just a few examples of the many that should give Maryland pause.

- In Minnesota, ICE has used available data to find protestors’ homes and harass both protestors and their families there, threatening them for engaging in First

Amendment rights and speaking out against ICE's brutal and deadly campaign in the state.<sup>1</sup>

- The Department of Homeland Security continues to push for big tech companies, search engine owners, and social media sites to expose "Anti-ICE Accounts" through hundreds of administrative subpoenas, "apparently using them to silence people who speak out".<sup>2 3</sup>
- Currently, with only a search of a person's license plate or a scan of a person's face through an app, ICE can widely mine data to identify individuals to retaliate against and harass. These data sources include housing and labor data, smartphone location data, credit header data, marriage records, and voter registration, to name a few.<sup>4 5</sup>

Data brokers profit from this abuse of Marylanders' data, and are largely unregulated by governments that have failed to keep up with rapidly changing technology landscapes.<sup>6 7</sup>

## **2. A Maryland Case: We Are CASA Member José Hernandez**

This is not a distant concern. It has already been happening here in Maryland.

In early February 2020, longtime CASA member José Hernandez experienced firsthand how government-held data can be weaponized. One morning, his family heard a knock at their door. When one of his children opened it, ICE agents entered the home, arrested Mr. Hernandez, and took him away as his children watched. Mr. Hernandez had lived in the United States for decades. He had no criminal history and no prior encounters with law enforcement or immigration authorities. He had not missed a court date.

ICE agents told him they found him because he had recently obtained a Maryland driver's license. They used the personal information he provided to the Maryland Motor Vehicle Administration - including his name, address, and date of birth - to locate him, arrest him, detain him in an immigration facility, and initiate deportation proceedings.

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<sup>1</sup> Jonah Bromwich, *ICE Agents Menaced Minnesota Protesters at Their Homes, Filings Say*, The New York Times (Feb. 13, 2026) <https://www.nytimes.com/2026/02/13/us/minneapolis-ice-First-Amendmentagents-protester-home-visits.html>

<sup>2</sup> Sheera Frenkel and Mike Isaac, *Homeland Security Wants Social Media Sites to Expose Anti-ICE Accounts*, The New York Times (Feb. 13, 2026).

<sup>3</sup> Nick Mordowanec, *DHS Collecting Big Tech Users' Personal Data, Issuing Subpoenas For ICE-Related Criticism*, Military.com (Feb. 18, 2026) <https://www.military.com/daily-news/2026/02/17/dhs-collecting-big-tech-users-personal-data-issuing-subpoenas-ice-related-criticism.html>

<sup>4</sup> Joseph Cox, *This App Lets ICE Track Vehicles and Owners Across the Country*, 404 Media (Nov. 17, 2025) <https://archive.ph/LGkVd#selection-529.0-529.62>

<sup>5</sup> Joseph Cox, *You Can't Refuse To Be Scanned by ICE's Facial Recognition App, DHS Document Says*, 404 Media (Oct. 31, 2025) <https://archive.ph/Br5MT#selection-529.0-529.81>

<sup>6</sup> *Data Brokers*, Electronic Privacy Information Center <https://epic.org/issues/consumer-privacy/data-brokers/>

<sup>7</sup> Elizabeth Goitein and Emile Ayoub, *Data Brokers Are Running Wild, and Only Congress Can Rein Them In*, Brennan Center (Feb. 13, 2024) <https://www.brennancenter.org/our-work/analysis-opinion/data-brokers-are-running-wild-and-only-congress-can-rein-them>

Later that month, The Washington Post and The Baltimore Sun reported that ICE had not only searched Maryland drivers' personal information, but had also conducted facial recognition searches using drivers' license photos. These warrantless searches were not limited to undocumented immigrants or "standard" license holders. ICE accessed a state facial recognition database containing more than 4 million Maryland driver records.

### **3. The Chilling Effect on Immigrant Communities in Maryland: What We See Through Direct Services**

For We Are CASA members, this is not theoretical. We see the consequences every day through the direct services CASA provides to thousands of Marylanders.

We Are CASA operates Employment Centers in Silver Spring, Wheaton, Rockville, and Baltimore, where workers seek day labor opportunities and stable employment. We provide vocational training in electrical work, building maintenance, HVAC, and computer skills. We assist small business owners with licensing and compliance. We offer legal consultations in immigration, housing, and employment matters. We provide English classes (ESOL), immigrant integration services, citizenship and green card renewal assistance, tax preparation services including ITIN applications, a health hotline, and social services support for health coverage, food assistance, and other public benefits. Across all these services, We Are CASA handles approximately 1,800 cases per month in Maryland alone, primarily serving immigrant communities.

Across all of these programs, we hear the same concern: Will my information be shared? Will this put my family at risk? Could this result in my deportation?

Immigrant workers hesitate before applying for licenses or certifications. Our team has witnessed parents worried about updating their address with state agencies. Families ask whether filing taxes, applying for health insurance, renewing a green card, or pursuing citizenship could expose them to immigration enforcement. Individuals are increasingly cautious about engaging with any institution that collects personal data, even if they meet the program's eligibility requirements.

This fear has real consequences. When Marylanders reasonably believe their personal information may be accessed and used for immigration enforcement, they withdraw. They avoid schools, hospitals, stable employment, banks, courthouses, law enforcement, and government offices. They delay seeking medical care. They decline workforce training opportunities. They forgo legal remedies. They are far more likely to face eviction. They disengage from civic participation.

This chilling effect undermines public safety, public health, workforce development, and the fundamental promise of equal access to services in Maryland. It creates barriers not only for undocumented residents, but for mixed-status families and even citizens who fear that their data could be misused.

Protecting data privacy is therefore not merely a technological issue - it is essential to maintaining trust between Maryland residents and the institutions that serve them.

These indiscriminate surveillance and enforcement activities force We Are CASA members and the broader community to wake up each morning in a constant state of fear. This is a natural response when ICE has been targeting citizens and noncitizens alike while the Trump administration erodes paths to citizenship and lawful status that have been cornerstones of our democracy since the end of slavery, including birthright citizenship.<sup>8</sup> In fact, people who are reasonably fearful that their data may be provided to actors who seek to erode their civil liberties are far less likely to reach out for help when needed, and tend to avoid institutions necessary for leading a full life as a Marylander like schools, places of stable employment, hospitals, banks, courthouses, the police, and government offices.<sup>9</sup>

When Marylanders are made fearful and shy away from public institutions due to fears that their data may be turned over to ICE, our state props up a modern-day version of segregation that prevents Marylanders from living with equal access to government services, education, and more. Ending discrimination through data is a necessary step in this longstanding fight for equality for all in Maryland.

#### **4. HB711 Continues Our Commitment to Maryland Drivers**

Maryland has already recognized the importance of protecting immigrant communities while advancing public safety.

In 2013, the General Assembly passed the Maryland Highway Safety Act, allowing undocumented Maryland residents to obtain a driver's license for limited purposes.<sup>10</sup> This landmark legislation enabled the Motor Vehicle Administration (MVA) to administer written and road tests to undocumented drivers, allowing insurance companies to issue liability coverage. It improved road safety, strengthened accountability, and enabled families to drive legally to work, take children to school, attend medical appointments, and meet the demands of everyday life without being forced to break the law.

At the time, legislators assured immigrant communities that they could apply for licenses safely. In response, We Are CASA worked closely with our membership and the broader undocumented community to help residents apply for driver's licenses through our driver's license and tax assistance programs. Hundreds of immigrants entrusted the MVA with their personal information based on the promise that doing so would increase safety, not expose them to deportation.

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<sup>8</sup> Kori Skillman, *Indiscriminate ICE arrests have left Baltimore's immigrant communities in a constant state of fear and anxiety*, Baltimore Beat (Oct. 7, 2025). <https://baltimorebeat.com/indiscriminate-ice-arrests-have-left-baltimores-immigrant-communities-in-a-constant-state-of-fear-and-anxiety,driver's/>

<sup>9</sup> Sarah Brayne, *Surveillance and System Avoidance: Criminal Justice Contact and Institutional Attachment*, 79, Iss. 3 American Sociological Review (2014). <https://journals.sagepub.com/doi/10.1177/0003122414530398>

<sup>10</sup> Maryland Highway Safety Act, Transportation Article § 16-122 (2013). <https://mgaleg.maryland.gov/mgaweb/site/Legislation/Details/sb0715/?ys=2013rs>

When it became public that ICE had used Maryland driver's license data and facial recognition searches to identify and target immigrants, the sense of betrayal in our community was profound. Families who had complied with state law and acted in good faith found themselves arrested, detained, and placed in deportation proceedings.

Reports surfaced of ICE agents conducting targeted stops in Maryland communities, including near apartment complexes in Catonsville, already knowing the names of registered drivers. For many of those residents, the only time they had provided their name and address to a government database was when applying for a Maryland driver's license.

The consequences of detention and deportation are catastrophic for the individual, for their children, and for the broader community. Parents are separated from U.S. citizen children. Workers are removed from the economy. Families are forced to return to countries they fled due to violence or instability, or where they have no remaining ties.

Likely over 350,000 undocumented immigrants live in Maryland — nearly 32 percent of the state's immigrant population and approximately 5.8 percent of the total state population.<sup>11</sup> <sup>12</sup> 13.9% of K-12 students in Maryland have an undocumented immigrant parent in their household.<sup>13</sup> When ICE is able to mine state-collected data for immigration enforcement purposes, it places a substantial portion of Maryland residents in renewed jeopardy and undermines the very public safety goals the legislature sought to advance in 2013.

In 2021, Maryland took an important step forward by passing the Driver Privacy Act.<sup>14</sup> That law required federal authorities to obtain a warrant supported by probable cause to access MVA driver data; required state agencies to report on federal data requests; prohibited state and local agencies from participating in federal immigration enforcement; prohibited the use of state facial recognition databases for immigration enforcement; and established guardrails to prevent misuse of state databases.

However, loopholes remain. Federal immigration authorities may still access driver data through interstate systems and data-sharing programs such as NLETS.

HB 711 ensures that Maryland closes those remaining gaps. It strengthens and completes the protections the General Assembly has already recognized as necessary, ensuring that the promise made to immigrant families in 2013 is fully honored.

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<sup>11</sup> Pew Research Center, "U.S. Unauthorized Immigrant Population Reached a Record 14 Million in 2023: Preliminary data indicates continued growth into 2024 and a decrease in 2025" <https://www.pewresearch.org/race-and-ethnicity/2025/08/21/u-s-unauthorized-immigrant-population-reached-a-record-14-million-in-2023/>

<sup>12</sup> Unauthorized immigrants and characteristics for states, 2023, Pew Research Center (2023). [https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.pewresearch.org%2Fwp-content%2Fuploads%2Fsites%2F20%2F2025%2F08%2FRE\\_2025.08.21\\_Unauthorized-immigrant\\_s\\_detailed-tables\\_characteristics-for-states.xlsx&wdOrigin=BROWSELINK](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.pewresearch.org%2Fwp-content%2Fuploads%2Fsites%2F20%2F2025%2F08%2FRE_2025.08.21_Unauthorized-immigrant_s_detailed-tables_characteristics-for-states.xlsx&wdOrigin=BROWSELINK)

<sup>13</sup> *Id.*

<sup>14</sup> Maryland Driver Privacy Act, General Provisions Article § 4-320, § 4-320.1, Public Safety Article § 3-523 (2021). <https://mgaleg.maryland.gov/mgaweb/Legislation/Details/hb0023/?ys=2021rs>

## **5. House Bill 711 Provides Targeted Protections for All Marylanders**

Although much of this testimony has focused on the impact of data misuse within immigrant drivers and communities, HB 711 advances privacy protections that benefit all Maryland residents.

Maryland has already demonstrated leadership in this area. The Maryland Driver Privacy Act and the Maryland Online Data Privacy Act (MODPA), which took effect last year, established meaningful safeguards for personal information held by both government agencies and private entities. HB 711 builds upon that framework by clarifying existing provisions and addressing gaps that have become apparent in practice.

House Bill 711, carefully tailored to be limited in scope, would help to put a stop to the funnel of data to ICE. It would do so by:

- Maintaining a limited scope that prevents immigration enforcement agencies from accessing data for immigration enforcement purposes;
- Clarifying that vehicle locations are sensitive information that companies cannot share or sell, closing a loophole, and protecting sensitive location data that ICE uses to detain and harass Marylanders wherever they park their car, including at schools, home, and work;
- Requiring the adoption of regulations and procedures to ensure compliance with the 2021 Driver Privacy Act by state and local agencies and entities.
- Strengthening protections of information that contains “sensitive attributes,” carefully limiting access to data which should remain public, but protecting private data that is deeply personal like a person’s sexual orientation, citizenship status, and religious beliefs;
- Generally, restricting the processing of information for the sole purpose of immigration enforcement;
- And by clarifying how state and local governments can work with the Department of IT to create procedures that prevent the sale and disclosure of public records.

These provisions are not limited to any one population. They strengthen the overall integrity of Maryland’s data privacy and ensure that personal information collected for legitimate government or commercial purposes is not repurposed in ways that undermine public trust.

These protections are reasonable, measured, and necessary. They help ensure that Marylanders can participate fully in public life without fear that their personal data will be weaponized against them.

**For these reasons, We Are CASA urges a favorable report on HB 711.**

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