



Senator Pamela Beidle, Chair
Senate Finance Committee
3 East Miller Senate Office Building
Annapolis, MD 21401

RE: Senate Bill 569 - Commercial Law - Online Data Privacy - Limits on Data Collection - SUPPORT

February 19, 2026

Chair Beidle and Members of the Committee:

We appreciate Maryland's leadership in advancing strong consumer privacy protections as well as the opportunity to submit written testimony in support of Sen. Ellis's narrowly tailored bill, SB 569, to better align Maryland's privacy law, the Maryland Online Data Privacy Act (MODPA), with the goals of empowering consumers and supporting Maryland's businesses.

About InMarket

InMarket is an independent digital advertising and ad measurement technology company headquartered in Austin, Texas, with more than 325 employees in the United States. We specialize in real-time, location-based advertising that connects consumers with relevant advertisements when they are making purchasing decisions.

We are a small business trying to compete directly with the largest technology platforms while serving hundreds of businesses, including grocery stores, retailers, restaurants, consumer packaged goods companies, and regional brands. Many of these are small and mid-sized businesses that rely on responsible digital advertising to reach local customers.

For example, we partner with more than 65 Maryland grocery stores across the state to deliver a digital version of the store's weekly circulars, advertising special offers and coupons directly to shoppers' phones— which is where most consumers choose to receive such information today. We also partner with local auto dealerships to reach local potential customers through their ads, keeping Maryland dollars in Maryland.

These tools help Maryland families save money in real time and help Maryland businesses connect with customers.

Our Privacy-Forward Approach

InMarket shares Maryland's commitment to meaningful privacy protections. Where applicable law does not prevent the collection and use of this data, we provide clear notice and **require affirmative opt-in consent** before collecting precise location data in each instance. Consumers must knowingly and voluntarily choose

to share their data. We also provide consumers with simple-to-use and effective opt-out and data deletion choices.

These practices align with Federal Trade Commission (FTC) guidance and industry standards developed and promoted industry-wide by the Network Advertising Initiative (NAI), of which InMarket is a member. We believe in enforceable, transparent privacy rules that put consumers in control.

How Consumers Benefit from Responsible Location-Based Advertising

Digital location-based advertising can deliver real-time tangible benefits to Maryland consumers.

If consumers choose to opt in, location-based advertising helps them:

- Discover new products, services, and local businesses;
- Receive coupons, discounts, and offers that reduce household expenses;
- Benefit from free or lower-cost mobile apps and many digital services supported by advertising revenue; and
- Access free or lower-cost local news, which depends heavily on advertising revenue.

For many Maryland families, especially in these times where household costs continue to rise, digital coupons and personalized offers are meaningful financial tools. A broad ban on location-powered advertising, even where a consumer knowingly and freely consents, cuts off access to helpful tools.

Advertising also subsidizes much of the modern internet. Many of the apps Marylanders rely on for weather updates, navigation, transit schedules, and community information are offered at no cost because they are supported by advertising. Local newspapers and news publishers similarly depend on digital advertising revenue to sustain reporting operations.

When consumers receive clear use disclosures and affirmatively opt in, they choose to participate in this value exchange available in most states in the nation. MODPA's current language removes that option for Marylanders.

The Unintended Consequence of MODPA's Current Language

As currently drafted, MODPA prohibits the use and transfer of precise location data even where a consumer has received clear disclosure and affirmatively opted in.

We respectfully submit that this outcome unintentionally overrides consumer choice.

If a Maryland resident receives clear, understandable information and chooses to opt in to receive relevant advertisements or offers, the law should not prevent that informed decision and potential value from this exchange.

By eliminating the ability to use and transfer precise location data even with the consumer's consent, the current language risks:

- Reducing the effectiveness of advertising tools used by Maryland small businesses;
- Increasing customer acquisition costs for local retailers;
- Shifting advertising dollars toward a small number of dominant platforms that operate closed ecosystems; and
- Reducing advertising revenue that supports Maryland newspapers and local news organizations.

Independent ad technology companies operate in an open ecosystem that supports thousands of businesses and publishers. Broad prohibitions can unintentionally consolidate advertising power in the hands of the largest platforms, limiting competition from small businesses rather than strengthening it.

Sen. Ellis' Proposed Narrow Bill

We do not seek to weaken the privacy protections of Maryland consumers. Instead, we support a targeted and narrow clarification:

- Allow the use and transfer of precise location data where there is clear notice and affirmative opt-in consent; and
- Continue to ensure robust opt-out and deletion rights for consumers.

This approach maintains strong consumer safeguards while preserving the core principle of consumer choice.

It reflects the framework adopted by many other states with comprehensive privacy laws, which allow the collection and transfer of precise location data when consumers have expressly opted in.

A Balanced Approach for Maryland

Maryland has demonstrated leadership in protecting privacy while supporting economic opportunity. This narrow change to MODPA would:

- Empower consumers to make informed decisions about their own data;
- Support small and mid-sized Maryland businesses;
- Protect advertising revenue for local news outlets; and
- Preserve competition in digital advertising markets.

Privacy protections and consumer empowerment are not in tension. Each consumer's personal privacy choices should be personal, not "one size fits all." When consumers receive clear disclosures and are empowered by law to make meaningful choices, they can confidently decide whether to participate in data-driven services that provide tangible value, and the government should not override that choice.

We respectfully urge the Committee to adopt this narrow bill to ensure MODPA fully reflects Maryland's commitment to both strong privacy protections and consumer choice.

Thank you for your consideration. We are happy to provide any additional information the Committee may find helpful.

Sincerely,

Jason Knapp
Chief Legal & Privacy Officer
InMarket