

SB0504_RichardKaplowitz_FAV

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TESTIMONY ON SB#/0504- POSITION: FAVORABLE

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

TO: Chair Beidle, Vice Chair Hayes and members of the Finance Committee

FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of SB#/0504, Data Privacy - Consumer Data, Public Records, and Message Switching System (Data Privacy Act)

The National Association of Criminal Defense Lawyers reports *The Data Broker Loophole is Being Exploited to Target Immigrant Communities - Purchased data circumvents sanctuary laws and contributes to the over-surveillance of the movements and behavior of immigrant communities.*¹

The American Immigration Council notes *ICE Uses a Growing Web of AI Services to Power Its Immigration Enforcement and Surveillance*²

The Department of Homeland Security (DHS) released an updated version of its [Artificial Intelligence \(AI\) Use Case Inventory](#) this summer. At first glance, the changes seemed routine—some AI software programs were marked “inactive,” and a new one was added. But upon closer examination, the removal of the AI use cases does not appear to indicate a retreat from—but an expansion of—those AI capabilities.

Taken alongside reporting from [The Guardian](#) and [Wired](#), the update points to broader trends in immigration enforcement: deploying similar AI functions within larger vendor-run platforms and expanding into continuous surveillance systems that pull in and analyze far more information than before.

Recognizing these misuses of personal data, the intent of this bill is to prohibit a certain controller - from selling the personal data of a consumer to a purchaser who seeks to use the data for immigration enforcement; requiring a custodian of a public record to take reasonable steps to determine whether a public record is accessed for enforcing immigration law; requiring an entity that operates a certain message switching system to take certain actions regarding system access; requiring certain procedures of certain governmental entities to account for data containing sensitive attributes; etc.

Maryland can and will protect all of its resident’s data from this misappropriation.

I respectfully urge this committee to return a favorable report on SB#/0504.

¹ <https://www.nacdl.org/getattachment/567b4c71-b702-47d7-a59c-1e42f39b065a/immigration-and-data-purchases.pdf>

² <https://www.americanimmigrationcouncil.org/blog/ice-uses-ai-immigration-enforcement-surveillance/>