



TESTIMONY TO THE SENATE FINANCE COMMITTEE

SB 0504: Data Privacy - Consumer Data, Public Records, and Message Switching System (Data Privacy Act)

POSITION: FAVORABLE

By: Linda T. Kohn, President

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The League of Women Voters of Maryland supports **SB 0504**. The League of Women Voters believes in the individual liberties guaranteed by the Constitution of the United States and is convinced that individual rights now protected by the Constitution should not be weakened or abridged. The League has explicitly supported legislation that would protect personal information and would limit the authority of the federal government to issue documents that are not judicial warrants to obtain information. The League also has acknowledged that the individual liberties of Black, Latino, and immigrant individuals are not equally protected and has supported legislation with the potential to improve this outcome.

SB 0504 amends Maryland's commercial law to further protect personal information that can be used to identify "sensitive attributes" such as an individual's racial or ethnic origin, nationality, or citizenship or immigrant status as well as the precise geolocation of a person, and mobile device or a motor vehicle. The bill also stipulates that a [controller](#) (meaning a person that, alone or jointly with others, determines the purpose and means of processing personal data) may not sell personal information to any entity that the controller knew or should have known intends to use the data for immigration enforcement. **SB 0504** further prohibits a controller from complying with a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by a federal, state, local, or other governmental authority, if the pursuit of that information pertains solely to immigration enforcement. These provisions are consistent with the fact that [immigration regulation](#) is exclusively a federal power and responsibility and, therefore, is to be supported by federal not state tax dollars.

SB 0504 further specifies that a custodian of personal information may not disclose that data to a any person or government agency for the purpose of immigration enforcement unless the custodian is presented with a valid warrant issued by a federal or Maryland court which clearly identifies the record to be accessed. This includes entities that operate "message switching systems", meaning law enforcement communications platforms that automatically route, format, and deliver electronic queries and responses between law enforcement agencies and databases. In addition, each government agency is expected to craft policies and procedures that discourage the development of a secondary commercial market for personal data that contains "sensitive attributes" and limit the ability of any entity that may have received such information from a government agency to participate in the sale and/or redisclosure of that data. The League anticipates that these requirements will lessen the chances that the state will inadvertently enable a ["data broker"](#) engaged by federal programs such as ICE.

Therefore, **the League of Women Voters of Maryland**, representing nearly 2,000 citizens throughout Maryland in its own right, **strongly urges you to issue a FAVORABLE report.**