MARYLAND OFFICE OF THE PUBLIC DEFENDER

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POSITION ON PROPOSED LEGISLATION

BILL: SB504 Data Privacy - Consumer Data, Public Records, and Message Switching System (Data Privacy Act)

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: February 24, 2026

The Maryland Office of the Public Defender respectfully requests a favorable report on SB504, the Data Privacy Act.

This legislation provides essential safeguards to ensure that personal data collected by Maryland agencies and private entities is not used to facilitate civil immigration enforcement without appropriate judicial oversight. In an era when vast quantities of personal data are routinely collected, stored, and shared without oversight, this bill establishes reasonable and necessary protections for the privacy of Maryland residents.

Personal data today includes deeply revealing information, such as precise location data, biometric identifiers, and sensitive personal characteristics. Without clear statutory limits, this information can be accessed and used by federal immigration authorities in ways that Maryland agencies and Marylanders neither expect nor understand. SB504 appropriately ensures that Maryland agencies and entities do not disclose personal information for immigration enforcement purposes unless presented with a valid judicial warrant. This requirement reinforces the fundamental principle that access to sensitive personal data should be subject to neutral judicial review rather than informal or administrative requests.

The bill also establishes important protections governing public records and law enforcement communication systems, helping ensure that Maryland's own data infrastructure is not used in ways that undermine the privacy and security of its residents and sow distrust of the state government. These provisions promote transparency, accountability, and public trust in government institutions.

Maryland residents should be able to interact with their government, including obtaining driver's licenses, accessing public services, and maintaining public records, without fear that their personal information will be repurposed for the enforcement of civil immigration law.

Fears around data sharing chill engagement with important systems, not only among people who are at risk of immigration arrest, but also among noncitizens with lawful status who fear that they may eventually join the 1.5 million people who were de-documented in 2025, and U.S. Citizens living in mixed status households, who fear that DHS could use their data to target their parents, spouses, or siblings. Our CINA attorneys have seen kinship placements fall through when relatives are willing to care for the children but afraid to submit their information (or that of all household members) to the government. Our intake staff sees clients who need OPD's services but are afraid to submit their information to the commissioner in order to get qualified for a public defender. We all see clients who badly want help to address issues like homelessness, mental health struggles, or addiction, but who fear that engaging with available services could endanger them or their families by putting their data into ICE's hands.

We have also seen the opposite—noncitizens who *do* place their trust our institutions, who have information that they have provided in good faith handed over to immigration authorities and used to target them. Like a Maryland man arrested by immigration authorities in Maryland in June. He was not the target of the ICE operation, but he was included in a packet that ICE had compiled of other people who were simply living in the same neighborhood as the target, and who ICE thought might be subject to immigration arrest. The only affirmative information that the government cited as probable cause for this man's arrest was a database check reflecting "a Maryland state identification card classified as "NOT FOR FEDERAL IDENTIFICATION.""[1] This information was likely available to ICE instantaneously and without a warrant, because the Maryland Driver Privacy Act, which was intended to limit such access, did not address the role of message switching systems in the complex relationship of state and federal law enforcement databases and fusion centers. By addressing this critical oversight, SB504 would effectuate the intent of the Driver Privacy Act, and make it more difficult for ICE to use our MVA data to target Marylanders in this way.

[1] The details leading up to this individual's arrest are available only because he was initially charged with assaulting, resisting, or impeding federal officers in case number 1:25-mj-02052-DRM. However, the government elected to pursue deportation without prosecuting the criminal case.

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Importantly, this legislation does not prevent cooperation with legitimate criminal investigations or interfere with lawful law enforcement activity. Instead, it ensures that access to personal data follows established legal processes and judicial oversight. Clear rules benefit both Maryland agencies and Marylanders by promoting consistency and ensuring that sensitive information is handled appropriately.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on SB504.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.
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