

SB0564_State_Government_Office_of_the_Attorney_Gen

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Position: FAV



TESTIMONY FOR SB0564

State Government - Office of the Attorney General - Data Protection

Bill Sponsor: Senator Gile

Committee: Finance

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0564 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

Data protection has become a critical need for all Marylanders. Our data is hacked, sold, and very often used against us. It is not only bad actors and thieves who steal and manipulate our data, it is businesses who seek to profit from knowing our habits or our associates. Right now, the federal government is building databases with our information and we are fairly certain they do not intend to use that data to our advantage.

Everyday Marylanders would benefit from having investigators whose job it is to bring civil actions against persons or businesses who violate our privacy. This bill would establish the Division of Data Protection within the Office of the Attorney General and staff it with assistant Attorneys General, investigators, and administrators who can do the investigative and administrative work to ensure that Maryland's privacy laws are being upheld.

We strongly support this bill and recommend a **FAVORABLE** report in committee.

SB564_FinalReprint

Uploaded by: Dawn Gile

Position: FAV

SENATE BILL 564

P1, 13

6lr2788

By: **Senators Gile and Love**

Introduced and read first time: February 4, 2026

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Office of the Attorney General – Data Protection**

3 FOR the purpose of establishing the Division of Data Protection within the Office of the
4 Attorney General; authorizing the Division to enforce certain provisions of law;
5 establishing the Maryland Data Privacy Implementation and Innovation
6 Workgroup; and generally relating to data protection.

7 BY adding to

8 Article – State Government

9 Section 6–1001 through 6–1003 to be under the new subtitle “Subtitle 10. Division
10 of Data Protection”

11 Annotated Code of Maryland

12 (2021 Replacement Volume and 2025 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That the Laws of Maryland read as follows:

15 **Article – State Government**

16 **SUBTITLE 10. DIVISION OF DATA PROTECTION.**

17 **6–1001.**

18 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (B) “DIVISION” MEANS THE DIVISION OF DATA PROTECTION.

21 (C) “VIOLATION” MEANS A VIOLATION OF:

2 REPRINT OF SENATE BILL 564 as amended by SB0564/923025/1 02/18/26 at 3:57 PM

1 ~~(1) SECTION 13-310.1 OF THE COMMERCIAL LAW ARTICLE;~~

2 ~~(2) (1) TITLE 14, SUBTITLE 47 OF THE COMMERCIAL LAW ARTICLE; OR~~

3 ~~(3) (2) TITLE 14, SUBTITLE 48 OF THE COMMERCIAL LAW ARTICLE.~~

4 **6-1002.**

5 **THERE IS A DIVISION OF DATA PROTECTION IN THE OFFICE.**

6 **6-1003.**

7 **(A) THE FUNCTION OF THE DIVISION IS TO INVESTIGATE AND BRING CIVIL**
8 **ACTIONS RELATED TO VIOLATIONS.**

9 **(B) THE DIVISION SHALL INCLUDE:**

10 **(1) A FULL-TIME CHIEF COUNSEL OF DATA PROTECTION; AND**

11 **(2) STAFF, INCLUDING ASSISTANT ATTORNEYS GENERAL,**
12 **INVESTIGATORS, AND ADMINISTRATORS, AS PROVIDED IN THE STATE BUDGET.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That:

14 (a) There is a Maryland Data Privacy Implementation and Innovation
15 Workgroup.

16 (b) The Workgroup consists of the following members:

17 (1) one member of the Senate of Maryland, appointed by the President of
18 the Senate;

19 (2) one member of the House of Delegates, appointed by the Speaker of the
20 House;

21 (3) the Attorney General, or a designee from the Attorney General who
22 represents the Division of Data Protection;

23 (4) the Secretary of Information Technology, or the Secretary's designee;

24 (5) the Secretary of Commerce, or the Secretary's designee;

25 (6) the following members, appointed by the Governor:

3 **REPRINT OF SENATE BILL 564 as amended by SB0564/923025/1 02/18/26 at 3:57 PM**

1 (i) one consumer privacy advocate from a nonprofit or academic
2 institution;

3 (ii) one civil rights or civil liberties advocate with privacy expertise;

4 (iii) one representative of a Maryland-based small business;

5 (iv) one representative of the digital advertising industry; and

6 (v) one representative of industry with experience in data
7 governance, cybersecurity, or compliance; and

8 (7) five members, appointed jointly by the President of the Senate and the
9 Speaker of the House, representing a variety of stakeholder perspectives, including
10 consumer advocates, technical experts, and regulated industry sectors.

11 (c) The members of the Workgroup shall elect a chair from among the members
12 of the Workgroup.

13 (d) The Office of the Attorney General shall provide staff for the Workgroup.

14 (e) A member of the Workgroup:

15 (1) may not receive compensation as a member of the Workgroup; but

16 (2) is entitled to reimbursement for expenses under the Standard State
17 Travel Regulations, as provided in the State budget.

18 (f) The Workgroup shall:

19 (1) study Maryland's consumer data privacy framework and evaluate
20 implementation issues, focused on the following areas:

21 (i) data minimization;

22 (ii) compliance challenges faced by businesses;

23 (iii) privacy law updates in other states;

24 (iv) enforcement capacity and funding, including staffing and
25 operational needs; and

26 (v) artificial intelligence and privacy, including how artificial
27 intelligence systems build on personal data and how privacy protections should apply on
28 emerging contexts; and

4 **REPRINT OF SENATE BILL 564 as amended by SB0564/923025/1 02/18/26 at 3:57 PM**

1 (2) make recommendations for legislative or policy changes to make
2 technical clarifications or improvements while maintaining strong consumer protections.

3 (g) On or before January 1, 2027, the Workgroup shall report its findings and
4 recommendations to the Governor and, in accordance with § 2-1257 of the State
5 Government Article, the General Assembly.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
7 1, 2026. Section 2 of this Act shall remain effective for a period of 1 year and, at the end of
8 June 30, 2027, Section 2 of this Act, with no further action required by the General
9 Assembly, shall be abrogated and of no further force and effect.

SB564_SponsorAmendment

Uploaded by: Dawn Gile

Position: FAV



SB0564/923025/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

18 FEB 26
15:58:03

BY: Senator Gile
(To be offered in the Finance Committee)

AMENDMENT TO SENATE BILL 564
(First Reading File Bill)

On page 2, strike line 1 in its entirety; and in lines 2 and 3, strike “**(2)**” and “**(3)**”, respectively, and substitute “**(1)**” and “**(2)**”, respectively.

Sen. Gile Written Testimony_SB564.docx.pdf

Uploaded by: Dawn Gile

Position: FAV

DAWN D. GILE
Legislative District 33
Anne Arundel County

Finance Committee

Chair

Anne Arundel County
Senate Delegation



Miller Senate Office Building
11 Bladen Street, Suite 3 East
Annapolis, Maryland 21401
410-841-3568 · 301-858-3568
800-492-7122 Ext. 3568
Dawn.Gile@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony in Support of SB 564

State Government - Office of the Attorney General - Data Protection

Madam Chair, Mr. Vice Chair and Members of the Committee:

Senate Bill 564 does two straightforward but important things.

First, it creates a Division of Data Protection within the Office of the Attorney General.

Second, it establishes a Maryland Data Privacy Implementation and Innovation Workgroup.

Both pieces are designed to ensure Maryland's privacy laws are effectively enforced and thoughtfully implemented as technology continues to evolve.

1. Division of Data Protection

Over the past several years, Maryland has enacted significant privacy and online protections, including laws addressing consumer data, children's online safety, and digital design practices.

SB 564 establishes a Division of Data Protection within the Office of the Attorney General to investigate and bring civil enforcement actions related to violations of those laws.

This bill does **not** create new privacy mandates. It does **not** expand substantive law.

It ensures that the privacy protections already enacted by this legislature can be enforced by a dedicated team with subject-matter expertise.

As privacy, cybersecurity, and artificial intelligence issues become more complex, it is appropriate for Maryland to have focused enforcement capacity.

2. Data Privacy Implementation and Innovation Workgroup

SB 564 also creates a one-year Maryland Data Privacy Implementation and Innovation Workgroup.

The Workgroup brings together:

- Members of the General Assembly
- The Attorney General or designee
- The Secretary of Information Technology
- The Secretary of Commerce
- Consumer privacy advocates
- Civil rights experts
- Small business representatives
- Industry stakeholders
- Technical experts.

The purpose of the Workgroup is to:

- Study how Maryland's data privacy framework is working
- Identify compliance challenges
- Evaluate enforcement capacity and funding needs
- Review developments in other states
- Examine how artificial intelligence intersects with personal data protections

The Workgroup will report recommendations to the Governor and the General Assembly by January 1, 2027, and then sunset.

This ensures Maryland remains proactive and balanced as technology and privacy laws continue to evolve.

Conclusion

SB 564 strengthens Maryland's privacy framework in two ways:

It ensures operational enforcement capabilities, and it creates a structured forum for evaluating and improving our approach to data privacy moving forward.

This bill is about organization, oversight, and thoughtful implementation.

For these reasons, I respectfully request a favorable report on SB 564.

Thank you.

Testimony in support of SB0564 - Confidentiality o

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0564_RichardKaplowitz_FAV

02/19/2026

Richard Keith Kaplowitz

Frederick, MD 21703

TESTIMONY ON SB#0564 POSITION: FAVORABLE

Health Facilities - Confidentiality of Medical Records - Crisis Pregnancy Clinics

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#/0564, **Health Facilities - Confidentiality of Medical Records - Crisis Pregnancy Clinics**

The Center for American Progress has noted *The Trump Administration Is Using Americans' Sensitive Data To Build a Digital Watchtower*¹ The Trump administration's abusive efforts to repurpose millions of federal records and funnel them into a centralized government database represent a systemic shift toward a consolidation of informational power while obscuring public accountability...

While people engage with local government agencies in daily life,² it is the federal government they turn to for essential public benefits such as health care, tax refunds, student financial aid, and retirement benefits.³ These services are delivered not by a single entity, but through a network of separate agencies, each tasked by Congress with a legal mandate and charged with administering a distinct set of programs.⁴ The Privacy Act of 1974 was designed to reflect this fragmented structure by restricting the use and sharing of personal information⁵—also referred to as federal records—that federal agencies are allowed to collect from millions of Americans in order to administer the specific programs they are charged to provide, placing firm boundaries around every agency's authority.⁶ Under this law, when an individual provides personal information to a federal agency to receive a particular service ... that information must be used solely for its original purpose.... With some limited exceptions,⁷ the information agencies collect cannot be shared with other agencies or entities for unrelated uses. Other federal laws also impose additional restrictions on the disclosure of certain categories of data, such as tax return information or health records, reinforcing the expectation that personal data will be handled with purpose-specific care.⁸

This bill will fight these violations of the Privacy Act and the illegal misuse of consumer data by establishing the Division of Data Protection within the Office of the Attorney General to investigate and bring civil actions related to violations; establishing the Maryland Data Privacy Implementation and Innovation Workgroup to study Maryland's consumer data privacy framework and evaluate implementation issues; and requiring the Workgroup to report its findings and recommendations to the Governor and the General Assembly by January 1, 2027.

I respectfully urge this committee to return a favorable report on SB#/0564.

¹ <https://www.americanprogress.org/article/the-trump-administration-is-using-americans-sensitive-data-to-build-a-digital-watchtower/>

SB 564 CPD Support with Amendment FINAL.pdf

Uploaded by: Hanna Abrams

Position: FWA

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

SHARON S. MERRIWEATHER
Deputy Attorney General

ZENITA WICKHAM HURLEY
Deputy Attorney General



**STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION**

ANTHONY G. BROWN
Attorney General

WILLIAM D. GRUHN
Division Chief

PHILIP ZIPERMAN
Deputy Division Chief

PETER V. BERNS
General Counsel

CHRISTIAN E. BARRERA
Chief of Staff

HANNA ABRAMS
Assistant Attorney General

February 19, 2026

TO: The Honorable Pamela Beidle, Chair
Finance Committee

FROM: Hanna Abrams, Assistant Attorney General

RE: Senate Bill 564 – State Government – Office of the Attorney General –
Data Protection SUPPORT WITH AMENDMENT

The Consumer Protection Division (Division) of the Office of the Attorney General (OAG) supports Senate Bill 564 (“SB 564”), sponsored by Senators Gile and Love, with amendments. Senate Bill 564 establishes a Division of Data Protection in the OAG to enforce only three enumerated statutes: the speculative tickets statute, the Maryland Online Data Privacy Act (“MODPA”), and the Maryland Age-Appropriate Design Code Act (“Kids’ Code”).

Upon the passage of MODPA, the OAG sought the establishment of a unit within the Division to enforce privacy protections for Maryland consumers.¹ Senate Bill 564 establishes such a unit which the Division supports. However, SB 564 does not provide a dedicated funding source to support the operations of the proposed unit. Additionally, its jurisdiction is confined to three specific statutes,² without addressing or incorporating several other existing privacy-related laws. Notably, SB 564 fails to include several privacy-related statutes within the unit’s jurisdiction, including the Personal Information Protection Act,³ the Genetic Information Privacy Act,⁴ and the Online Kids Safety Act,⁵ as well as any privacy-related statutes being considered this legislative session. Finally, the bill establishes the unit independently of the consumer protection framework, without integrating it into the existing Consumer Protection Division structure.

¹ For our prior testimony on this topic, please see Attachment A.

² Specifically, the unit’s jurisdiction is limited to: the prohibition on the sale of speculative tickets (Md. Code Ann., Com Law § 13-310.1), MODPA (Md. Code Ann., Com Law § 14-4701 *et seq.*), and the Age-Appropriate Design Code Act (Md. Code Ann., Com Law § 14-4801 *et seq.*).

³ Md. Code Ann., Com Law § 14-3501 *et seq.*

⁴ Md. Code Ann., Com Law § 14-4401 *et seq.*

⁵ Md. Code Ann., Com Law § 14-3701 *et seq.*

Rather than identifying specific statutes, an approach that will account for both existing and future privacy-related statutes would be to identify the unit's jurisdiction by subject matter such as that set forth in Senate Bill 904 (2025):

THE PURPOSE OF THE UNIT IS TO PROTECT THE PRIVACY AND ONLINE SECURITY OF INDIVIDUALS' PERSONAL INFORMATION AND THE INDIVIDUALS' DIGITAL RIGHTS AND TO PROTECT THE PUBLIC FROM UNFAIR, ABUSIVE, OR DECEPTIVE PRACTICES INVOLVING ARTIFICIAL INTELLIGENCE, CYBERSECURITY, AND OTHER ONLINE OR DIGITAL PRIVACY ISSUES.

To that end the OAG offers the following amendments:

- Establish a dedicated funding source to support privacy enforcement, which would require at least 5 attorneys, 2 technologists, 2 investigators, and 1 administrative professional;
- Replace the definition of "violation" (page 1, line 21-page 2, lines 1-3) which identifies specific statutes, with subject-matter jurisdiction: "enforcement of any state or federal law involving privacy, technology, cybersecurity, artificial intelligence or other online products or services."
- Link the unit to the Consumer Protection Division to ensure that the Division's established authority carries through to the unit.

We urge the Senate Finance Committee to issue a favorable report of SB 564 with the amendments discussed.

Cc: Senator Dawn Gile
Senator Sara Love
Members, Finance Committee

Appendix A



CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
Deputy Attorney General

ZENITA WICKHAM HURLEY
Chief, Equity, Policy, and Engagement

WILLIAM D. GRUHN
Division Chief

PETER V. BERNIS
General Counsel

CHRISTIAN E. BARRERA
Chief Operating Officer

HANNA ABRAMS
Assistant Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

ANTHONY G. BROWN
Attorney General

March 5, 2025

TO: The Honorable Guy Guzzone, Chair
Budget and Taxation Committee

FROM: Hanna Abrams, Assistant Attorney General

RE: Senate Bill 904– Data Brokers – Registry and Gross Income Tax (Building Information
Guardrails Data Act of 2025) (SUPPORT WITH AMENDMENT)

The Consumer Protection Division of the Office of the Attorney General supports Senate Bill 904 (“SB 904”), sponsored by Senators Hester, Ferguson, Love, Gile, Jackson, and Rosapepe with amendments. Senate Bill 904 creates a data broker registry and tax and establishes a Privacy Protection and Enforcement Unit in the Consumer Protection Division of the Office of the Attorney General.

Privacy Protection and Enforcement Unit

Senate Bill 904 creates a Privacy Protection and Enforcement Unit. In 2024, the General Assembly passed two privacy/tech related statutes: the Maryland Online Data Privacy Act (“MODPA”) and the Maryland Age-Appropriate Design Code. The sole enforcement mechanism provided in those statutes is the Office of the Attorney General; there is no private right of action. This session the legislature is considering significant legislation to regulate artificial intelligence, algorithms, and other technologies.

The Office of the Attorney General needs staff with specialized knowledge of technology and the technology industry to protect Marylanders from privacy harms. Without resources, these statutes will remain hollow rather than provide the robust protections the legislature intended. The Office’s staffing needs were crafted considering the unit’s enforcement and education responsibilities as well as headcounts in privacy units in states that have already enacted comprehensive privacy legislation and are similar in size to Maryland.

Amendments

The Division believes that the following amendment to SB 904 is warranted:

- Page 4, line 1 should be amended to read: “(i) The Maryland Online Data Privacy Act; (ii) the Maryland Personal Information Protection Act; (iii) the Maryland Age-Appropriate Design Code Act”

It should also be noted that although “brokered personal data” is defined to include categorizing or organizing for sale or licensing to another entity “biometric information,” MODPA prohibits the sale of biometric data. Commercial Law Article § 14-4607.

Accordingly, we urge the Budget and Taxation Committee to issue a favorable report on SB 904 with the amendments discussed.

cc: Members, Budget and Taxation Committee
The Honorable Katie Fry Hester
The Honorable Bill Ferguson
The Honorable Sara Love
The Honorable Dawn D. Gile
The Honorable Michael A. Jackson
The Honorable Jim Rosapepe