

# **SB616 Favorable Report.pdf**

Uploaded by: Jim Caldiero

Position: FAV

## **Business Regulation - Data Broker Registry, SB616**

### **Favorable Report**

Date: February 26, 2026

From: Jim Caldiero, 4128 Lotus Cir., Ellicott City, MD, 21043, tel (land) 410-465-7452

To: Sen. Pamela Beidle, Chair, Sen. Antonio Hayes, Vice-Chair, and Members of the Finance Committee

Thank you for the opportunity to offer written testimony **IN FAVOR** of SB616, Business Regulation - Data Broker Registry, SB616

Some 55 years ago, immediately after I took the oath of office with the Social Security Administration, even before I lowered my hand, I was read the agency's first regulation: the personal information entrusted to its employees is sacrosanct and under no circumstances is that information to be shared or disclosed unless authorized. It is obvious that now, a half-century later, in an era of digitalization, that our personal data is at greater risk and must be protected.

In recent years we have seen an explosion in the access to our personal information and a concomitant erosion in the protection of that information not only by public entities, but also by private third party data brokers who profit from the sale of personal data to the extent that identity theft and fraud have become rampant.

Third party data brokers often go unnoticed, operating in the shadows, place our personal data and security at risk. A 2021 report showed a 25% increase in identity theft linked to data obtained from brokers.

Moreover, vulnerable populations – the elderly, immigrants, survivors of domestic abuse –are particularly at risk as brokers list sensitive information that aligns with actors who target these groups.

We must ensure in this age where every inch of our digital footprint can be accessed that our personal information is secure of unwarranted access merely because someone has seen a way to make a profit.

I encourage you to deliver a **favorable report** on SB616.

Thank you.

Sources:

Code of Federal Regulations, Title 20, Chapter III, Social Security, Part 401, Privacy and Disclosure of Information, [https://www.ssa.gov/OP\\_Home/cfr20/cfrdoc.htm](https://www.ssa.gov/OP_Home/cfr20/cfrdoc.htm)

Third Party Data Brokers, 25% Increase in Theft, 10/31/2024,  
<https://privacyhawk.com/resources/data-brokers-and-identity-theft-guarding-against-fraud>,

Data Broker Abuse Identity Theft & Healthcare Breaches — mePrism, 9/23/2025,  
<https://meprism.com/blog/growing-threat-data-brokers-2025>

**SB616-EPIC-fav-Feb2026.pdf**

Uploaded by: Kara Williams

Position: FAV

February 24, 2026

Senate Finance Committee  
Miller Senate Office Building  
11 Bladen Street  
Annapolis, MD 21401

Dear Chair Beidle and Members of the Committee:

EPIC writes in support of SB 616, the Data Broker Registry. The data broker industry builds profiles on millions of Americans at great cost to our privacy, civil rights, national security, and democracy.<sup>1</sup> States should do all they can to make data brokering as limited as possible, and Maryland made great strides toward that with the passage of the Maryland Online Data Privacy Act in 2024, which banned the sale of sensitive data and limited the amount of data companies can collect about us. On top of those limitations, a data broker registry is an important transparency measure to allow enforcers and individuals insight into who data brokers are and what types of data they collect and sell. Together, these protections are critical to curtail data brokers' harmful practices as the state considers tying data brokers' income to critical government services.

The Electronic Privacy Information Center (EPIC) is an independent nonprofit research organization in Washington, D.C., established in 1994 to protect privacy, freedom of expression, and democratic values in the information age.<sup>2</sup> EPIC has a long history of advocating for safeguards and rules to limit the harms caused by data brokers.<sup>3</sup>

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<sup>1</sup> See e.g. Dell Cameron, Dhruv Mehrotra, *Google Ad-Tech Users Can Target National Security 'Decision Makers' and People With Chronic Diseases*, WIRED (Feb. 20, 2025), <https://www.wired.com/story/google-dv360-banned-audience-segments-national-security/>; Justin Sherman et al., *Data Brokers and the Sale of Data on U.S. Military Personnel*, (Nov. 2023), <https://techpolicy.sanford.duke.edu/wp-content/uploads/sites/4/2023/11/Sherman-et-al-2023-Data-Brokers-and-the-Sale-of-Data-on-US-Military-Personnel.pdf>.

<sup>2</sup> EPIC, *About EPIC*, <https://epic.org/about/>.

<sup>3</sup> EPIC, *FCRA Rulemaking: A Path to Reining in Data Brokers* (2024), <https://epic.org/documents/fcra-rulemaking-a-path-to-reining-in-data-brokers/>; EPIC Comments to DOJ Regarding ANPRM on Access to Americans' Bulk Sensitive Personal Data and Government Related Data by Countries of Concern (Apr. 19, 2024), <https://epic.org/documents/epic-comments-to-doj-regarding-anprm-on-access-to-americans-bulk-sensitive-personal-data-and-government-related-data-by-countries-of-concern/>; EPIC, *Data Broker Threats: National Security* (2024), <https://epic.org/wp-content/uploads/2024/05/Data-Broker-One-Pager-National-Security-2.pdf>; EPIC, *CFPB Fair Credit Reporting Act Rulemaking* (2024), <https://epic.org/cfpb-fair-credit-reporting-act-rulemaking>.

## A. Data Brokers Collect Massive Amounts of Personal Data Behind the Scenes

Data brokers pose a threat to us all through the vast range, depth, and scale of the personal datasets and products they market. Thousands of data brokers in the United States buy, aggregate, disclose, and sell billions of data elements on Americans with virtually no oversight. As the data broker industry proliferates, companies have enormous financial incentives to collect consumers' personal data, while data brokers have little financial incentive to protect consumer data. For these companies, consumers are the product, not the customer. Companies also maintain inaccurate information about consumers, resulting in wrongful denials of credit, housing, and jobs.

Data brokers collect and aggregate many types of personal information: names, addresses, telephone numbers, e-mail addresses, gender, age, marital status, children, education, profession, income, political preferences, religion, sexual orientation, race, ethnicity, cars and real estate owned, and much more. Data brokers also collect information about the sites we visit online, the advertisements we click on, our purchases, where we shop, and how we pay for our purchases. Data brokers also compile and sell sensitive information, including health information, biometric and genetic information, and immigration or citizenship status.

And thanks to the proliferation of smartphones and wearables, data brokers collect and sell real-time location data, including data that reveals visits to churches, mosques, and synagogues; medical facilities; protests and political events; substance abuse disorder and addiction recovery centers; domestic violence shelters; children's schools; and even military bases. The sale of this kind of location data enables serious physical harms, including stalking, domestic and intimate partner violence, threats to public officials, and even murder.

In today's political moment, there are also many clear—and horrific—examples of information collected by data brokers being used to discriminate against immigrants. Federal officials are relying on the vast troves of information—especially location data—compiled by data brokers to cause harm.<sup>4</sup> Agencies like ICE and CBP purchase extensive personal data on immigrant communities from brokers for use in enforcement campaigns.<sup>5</sup> Last month, ICE issued an official request for information on how “Big Data” providers “can directly support investigations activities.”<sup>6</sup>

**Despite how much data brokers know about each one of us, without a transparency measure like a data broker registry, we know almost nothing about them.** Most Marylanders would not be able to name a single data broker.

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<sup>4</sup> EPIC, *How Data Brokers Harm Immigrants* (2024), <https://epic.org/wp-content/uploads/2024/10/12.4-Data-Broker-Harms-to-Immigrants-One-Pager.pdf>.

<sup>5</sup> *Id.*

<sup>6</sup> U.S. General Services Administration, *Request for Information on Big Data & Ad Tech*, <https://sam.gov/workspace/contract/opp/411452e8b3614944b9c50cc3aa24fb42/view>.

Some states have started taking steps to regulate the data broker industry. California, Vermont, Texas, and Oregon have all passed laws establishing data broker registries, similar to what S.B. 616 would do in Maryland. EPIC would urge the Committee to pass this bill and put Maryland on the path toward protecting its residents against the harmful practices of data brokers.

## **B. Marylanders Should Be Able to Tell Data Brokers to Delete Their Data**

Marylanders should have the right to tell data brokers to delete their personal data. The Committee should consider amending this bill to give residents a deletion right and to make it as straightforward as possible for people to access this right. While the Maryland Online Data Privacy Act allows Marylanders to request that companies delete their personal data, the data broker industry operates behind the scenes, largely hidden from the view of everyday people. Marylanders cannot exercise their right to ask companies to delete their data if they don't know those companies exist. To this end, the Committee should consider amending the bill to give Marylanders the ability to use a centralized deletion mechanism to express their preference to data brokers that they want their data deleted.

California passed a similar law, the DELETE Act, in 2023.<sup>7</sup> Delete Act provisions would make it simple for Marylanders who do not want their information collected, sold, or retained by data brokers to express this preference. It would require the state to create a website providing access to a universal deletion mechanism that allows consumers, via single request, to delete their personal information from every data broker that has collected it. Fortunately, CalPrivacy has recently developed such a system, the Delete Request and Opt-out Platform (DROP), to implement California's Delete Act.<sup>8</sup> California's DROP implementation has been wildly successful since it launched on January 1 of this year—215,000 Californians signed up for the deletion platform in its first month of operation.<sup>9</sup> Importantly, the agency has indicated that it will make the system available to other interested states, cutting down on Maryland's implementation costs considerably.

We would be happy to work with the Committee to suggest language to give Marylanders' the right to express their preferences to data brokers.

\* \* \*

EPIC encourages the Committee to support this bill because it is a critical first step toward reducing data brokers' harmful practices and giving Marylanders more control of their personal data.

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<sup>7</sup> Thomas Germain, *California's New Delete Act Is One of the World's Most Powerful Privacy Laws*, Gizmodo (Oct. 11, 2023), <https://gizmodo.com/governor-newsom-signs-delete-act-into-law-1850918011>.

<sup>8</sup> California, *Delete Request and Opt-out Platform (DROP)*, <https://privacy.ca.gov/drop/>.

<sup>9</sup> Jedidiah Bracy, Intn'l Ass'n of Privacy Professionals, *California Privacy Enforcement in 2026: A Discussion with CalPrivacy's Tom Kemp* (Feb. 6, 2026), <https://iapp.org/news/a/california-privacy-enforcement-in-2026-a-discussion-with-calprivacy-s-tom-kemp>.

The addition of DELETE Act provisions would build on the protections in the Maryland Online Data Privacy Act and this bill to further protect Marylanders from the harms of data brokers.

Thank you for the opportunity to speak today. EPIC is happy to be a resource to the Committee on these issues.

Sincerely,

/s/ Caitriona Fitzgerald

Caitriona Fitzgerald  
EPIC Deputy Director

/s/ John Davisson

John Davisson  
EPIC Deputy Director

/s/ Kara Williams

Kara Williams  
EPIC Counsel

# **FINAL\_SB 616 - Data Broker Registry Testimony.pdf**

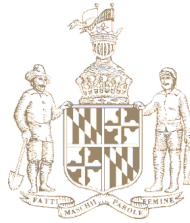
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Position: FAV

**KATIE FRY HESTER**  
*Legislative District 9*  
Howard and Montgomery Counties

Education, Energy, and  
Environment Committee

Chair, Joint Committee on  
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**THE SENATE OF MARYLAND**  
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of SB 616 - Business Regulation - Data Broker Registry**

February 24, 2026

Chair Beidle, Vice-Chair Hayes, and Members of the Finance Committee,

Thank you for your consideration of Senate Bill 616, which would establish a self-funded Data Broker Registry in the Comptroller's Office, requiring data brokers operating in Maryland to register annually and increasing transparency around the collection, sale, and licensing of residents' data. Senate President Ferguson is a cosponsor on this important bill.

Data brokers are companies that collect vast amounts of personal information about individuals – including contact details, current and former addresses, health history, and even Social Security numbers.<sup>1</sup> They take this information and compile it into detailed profiles to sell to third-party organizations for purposes such as targeted advertising. In most cases, individuals are not told that this data is being collected, who is collecting it, or how it is being used.

This Committee has already taken powerful action to protect Marylanders' sensitive data, particularly the 2024 passage of the Online Data Privacy Act, which established critical guardrails for how corporations may collect and use personal data. SB 616 builds upon this strong foundation by easing implementation of both existing and future regulations. Maryland currently lacks a clear system to identify which entities are brokering and profiting from residents' data, which limits accountability and creates an obstacle in the State's ability to levy taxes or fees. Further, the ODPa covers direct consumer data collection, but not downstream uses of that data.

SB 616 addresses this gap through the creation of a self-funded Data Broker Registry. Under this bill, brokers would be required to register annually with the Comptroller, and to disclose whether they collect especially sensitive information such as health or precise location data. Brokers would also be required to report whether consumers have the option to opt out of some or all data collection, and the process for doing so if one exists. The registration expense would be covered

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<sup>1</sup> <https://www.mcafee.com/blogs/tips-tricks/what-is-a-data-broker/>

by registration fees assessed by the Comptroller, ensuring that the program does not unduly burden taxpayers or the State budget.

This approach is not without precedent: Vermont, California, Oregon, and Texas have successfully implemented data broker registration programs, and several more states have programs in the works. Like SB 616, these bills all define ‘personal information’ and ‘data brokering’ and require that brokers register annually with the state, disclose the types of data they collect, and pay a fee.

This Committee has already demonstrated leadership in protecting Marylanders’ data privacy and ensuring that the State has appropriate oversight of how personal information is being used by brokers. Establishing a data broker registry eases the process of implementing these existing privacy protections, ensures that brokers remain accountable to the State, and can eventually be used as a funding mechanism for enforcement. This registry is an important measure in effectively regulating a powerful and growing industry, and sets the stage for Maryland to implement further guardrails in the future as needed. Whether this means levying an appropriate tax on these brokers, or restricting their ability to profile Marylanders using Artificial Intelligence, the data broker registry is a necessary first step.

Last year, a version of this bill was heard in the Senate Budget and Taxation Committee because it included both a data broker registry and a tax to fund enforcement within the Attorney General’s Office. After thoughtful consideration, we decided to take a more measured, phased approach. This year, the bill focuses on the logical first step: identifying and registering data brokers operating in Maryland. You cannot effectively regulate what you cannot see, and establishing transparency is foundational to any enforcement framework.

In a future phase, if we determine that dedicated enforcement funding is necessary, the General Assembly could consider incorporating that support through an adjusted registration fee or a separate funding mechanism, including a potential tax.

SB 616 is an opportunity to build on previous legislation and do the right thing for Marylanders, ensuring Marylanders receive the transparency, accountability, and privacy they deserve. If you are concerned about the data privacy of your constituents, I ask that you consider voting for this next modest step of regulation. If Texas can do this, Maryland can as well. I respectfully request a favorable report on SB 616.

Sincerely,

A handwritten signature in cursive script that reads "Katie Fry Hester".

Senator Katie Fry Hester  
Howard and Montgomery Counties

# **SB616\_FinalReprint**

Uploaded by: Katie Fry Hester

Position: FAV

# SENATE BILL 616

C2, P1, I3

6lr0731  
CF 6lr1663

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By: **Senators Hester, Gile, Ferguson, Love, Hettleman, Lam, and King**  
Introduced and read first time: February 5, 2026  
Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – Data Broker Registry**

3 FOR the purpose of establishing a data broker registry; requiring certain data brokers to  
4 register each year with the Comptroller; and generally relating to data brokers.

5 BY adding to

6 Article – Business Regulation

7 Section 19–1001 through 19–1005 to be under the new subtitle “Subtitle 10. Data

8 Broker Registry”

9 Annotated Code of Maryland

10 (2024 Replacement Volume and 2025 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

12 That the Laws of Maryland read as follows:

13 **Article – Business Regulation**

14 **SUBTITLE 10. DATA BROKER REGISTRY.**

15 **19–1001.**

16 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
17 **INDICATED.**

18 **(B) (1) “BIOMETRIC INFORMATION” MEANS A RECORD OF ONE OR MORE**  
19 **MEASURABLE BIOLOGICAL OR BEHAVIORAL CHARACTERISTICS THAT CAN BE USED**  
20 **ALONE OR IN COMBINATION WITH EACH OTHER OR WITH OTHER INFORMATION FOR**  
21 **AUTOMATED RECOGNITION OF A KNOWN OR UNKNOWN INDIVIDUAL.**

1 (2) "BIOMETRIC INFORMATION" INCLUDES:

- 2 (I) FINGERPRINTS;
- 3 (II) RETINA AND IRIS PATTERNS;
- 4 (III) VOICEPRINTS;
- 5 (IV) DNA SEQUENCE;
- 6 (V) FACIAL CHARACTERISTICS;
- 7 (VI) GAIT;
- 8 (VII) HANDWRITING;
- 9 (VIII) KEYSTROKE DYNAMICS; AND
- 10 (IX) MOUSE MOVEMENTS.

11 (3) "BIOMETRIC INFORMATION" DOES NOT INCLUDE:

- 12 (I) WRITING SAMPLES;
- 13 (II) WRITTEN SIGNATURES;
- 14 (III) HUMAN BIOLOGICAL SAMPLES USED FOR VALID SCIENTIFIC  
15 TESTING OR SCREENING;
- 16 (IV) DEMOGRAPHIC DATA;
- 17 (V) TATTOO DESCRIPTIONS;
- 18 (VI) PHYSICAL DESCRIPTIONS, SUCH AS HEIGHT, WEIGHT, HAIR  
19 COLOR, OR EYE COLOR; OR
- 20 (VII) DONATED ORGANS, TISSUES, OR PARTS, OR BLOOD OR  
21 SERUM STORED ON BEHALF OF RECIPIENTS OR POTENTIAL RECIPIENTS OF LIVING  
22 OR CADAVERIC TRANSPLANTS AND OBTAINED OR STORED BY A FEDERALLY  
23 DESIGNATED ORGAN PROCUREMENT AGENCY.

3 REPRINT OF SENATE BILL 616 as amended by SB0616/813820/1 02/26/26 at 10:24 AM

1 (C) "BROKERED PERSONAL DATA" MEANS ANY OF THE FOLLOWING  
2 COMPUTERIZED DATA ELEMENTS ABOUT A RESIDENT INDIVIDUAL, IF CATEGORIZED  
3 OR ORGANIZED FOR SALE OR LICENSING TO ANOTHER ENTITY:

4 (1) THE RESIDENT INDIVIDUAL'S NAME OR THE NAME OF A MEMBER  
5 OF THE RESIDENT INDIVIDUAL'S IMMEDIATE FAMILY OR HOUSEHOLD;

6 (2) THE RESIDENT INDIVIDUAL'S ADDRESS OR AN ADDRESS FOR A  
7 MEMBER OF THE RESIDENT INDIVIDUAL'S IMMEDIATE FAMILY OR HOUSEHOLD;

8 (3) THE RESIDENT INDIVIDUAL'S DATE OF BIRTH OR PLACE OF BIRTH;

9 (4) THE MAIDEN NAME OF THE RESIDENT INDIVIDUAL'S MOTHER;

10 (5) BIOMETRIC INFORMATION ABOUT THE RESIDENT INDIVIDUAL;

11 (6) PERSONAL DATA ABOUT THE RESIDENT INDIVIDUAL;

12 (7) THE RESIDENT INDIVIDUAL'S SOCIAL SECURITY NUMBER OR THE  
13 NUMBER OF ANY OTHER GOVERNMENT-ISSUED IDENTIFICATION FOR THE  
14 RESIDENT INDIVIDUAL; OR

15 (8) OTHER INFORMATION THAT, ALONE OR IN COMBINATION WITH  
16 OTHER INFORMATION THAT IS SOLD OR LICENSED, CAN REASONABLY BE  
17 ASSOCIATED WITH THE RESIDENT INDIVIDUAL.

18 (D) (1) "BUSINESS ENTITY" MEANS:

19 (I) A RESIDENT INDIVIDUAL WHO REGULARLY ENGAGES IN  
20 COMMERCIAL ACTIVITY FOR THE PURPOSE OF GENERATING INCOME;

21 (II) A CORPORATION OR NONPROFIT CORPORATION, LIMITED  
22 LIABILITY COMPANY, PARTNERSHIP OR LIMITED LIABILITY PARTNERSHIP,  
23 BUSINESS TRUST, JOINT VENTURE, OR ANY OTHER FORM OF BUSINESS  
24 ORGANIZATION THE CONSTITUENT PARTS OF WHICH SHARE A COMMON ECONOMIC  
25 INTEREST; OR

26 (III) AN INDIVIDUAL THAT CONTROLS, IS CONTROLLED BY, OR IS  
27 UNDER COMMON CONTROL WITH A PERSON DESCRIBED IN ITEM (I) OR (II) OF THIS  
28 PARAGRAPH.

29 (2) "BUSINESS ENTITY" DOES NOT INCLUDE THE STATE OR A UNIT OF  
30 THE STATE, A LOCAL GOVERNMENT, OR A BUSINESS ENTITY OR OTHER PERSON

4 REPRINT OF SENATE BILL 616 as amended by SB0616/813820/1 02/26/26 at 10:24 AM

1 DURING A PERIOD IN WHICH THE BUSINESS ENTITY OR PERSON IS ACTING SOLELY  
 2 ON BEHALF OF AND AT THE DIRECTION OF THE STATE, A UNIT OF THE STATE, OR A  
 3 LOCAL GOVERNMENT.

4 (E) (1) "DATA BROKER" MEANS ANY BUSINESS ENTITY THAT ENGAGES IN  
 5 DATA BROKERING.

6 (2) "DATA BROKER" DOES NOT INCLUDE:

7 (I) A CONSUMER REPORTING AGENCY, AS DEFINED IN 15  
 8 U.S.C. § 1681A, A PERSON THAT FURNISHES INFORMATION TO A CONSUMER  
 9 REPORTING AGENCY, AS PROVIDED IN 15 U.S.C. § 1681S-2, OR A USER OF A  
 10 CONSUMER REPORT, AS DEFINED IN 15 U.S.C. § 1681A, TO THE EXTENT THAT THE  
 11 CONSUMER REPORTING AGENCY, THE PERSON THAT FURNISHES INFORMATION TO  
 12 A CONSUMER REPORTING AGENCY, OR THE USER OF A CONSUMER REPORT ENGAGES  
 13 IN ACTIVITIES THAT ARE SUBJECT TO REGULATION UNDER THE FEDERAL FAIR  
 14 CREDIT REPORTING ACT, 15 U.S.C. § 1681;

15 (II) A FINANCIAL INSTITUTION, AN AFFILIATE, OR A  
 16 NONAFFILIATED THIRD PARTY, AS THOSE TERMS ARE DEFINED IN 15 U.S.C. § 6809,  
 17 TO THE EXTENT THAT THE FINANCIAL INSTITUTION, AFFILIATE, OR NONAFFILIATED  
 18 THIRD PARTY IS SUBJECT TO REGULATION UNDER TITLE V OF THE  
 19 GRAMM-LEACH-BLILEY ACT, 15 U.S.C. §§ 6801 THROUGH 6809 AND REGULATIONS  
 20 ADOPTED UNDER TITLE V OF THE GRAMM-LEACH-BLILEY ACT; OR

21 (III) A NONPROFIT ORGANIZATION THAT IS ORGANIZED FOR  
 22 PURPOSES OF ASSISTING:

23 1. LAW ENFORCEMENT AGENCIES IN INVESTIGATING  
 24 CRIMINAL OR FRAUDULENT ACTS RELATING TO INSURANCE; OR

25 2. FIRST RESPONDERS IN RESPONDING TO  
 26 EMERGENCIES OR CATASTROPHIC EVENTS.

27 (F) (1) "DATA BROKERING" MEANS THE ACT OF COLLECTING, SELLING,  
 28 OR LICENSING BROKERED PERSONAL DATA.

29 (2) "DATA BROKERING" DOES NOT INCLUDE ~~A BUSINESS ENTITY'S~~  
 30 ~~COLLECTION, SALE, OR LICENSING OF BROKERED PERSONAL DATA FROM~~ THE COLLECTION OF DATA DIRECTLY  
 31 FROM, OR THE SALE OR LICENSING OF DATA COLLECTED DIRECTLY FROM, A  
 32 CONSUMER WITH WHOM ~~THE~~ A BUSINESS ENTITY HAS A DIRECT RELATIONSHIP  
 BECAUSE THE CONSUMER IS:

5 REPRINT OF SENATE BILL 616 as amended by SB0616/813820/1 02/26/26 at 10:24 AM

1 (I) A CUSTOMER, CLIENT, SUBSCRIBER, USER, OR REGISTERED  
2 USER OF THE BUSINESS ENTITY'S GOODS OR SERVICES IN THE IMMEDIATELY  
3 PRECEDING 5 CALENDAR YEARS;

4 (II) AN EMPLOYEE, A CONTRACTOR, OR AN AGENT OF THE  
5 BUSINESS ENTITY; OR

6 (III) AN INVESTOR IN THE BUSINESS ENTITY.

7 (G) "DE-IDENTIFIED DATA" MEANS DATA THAT CANNOT REASONABLY BE  
8 USED TO INFER INFORMATION ABOUT OR OTHERWISE BE LINKED TO AN IDENTIFIED  
9 OR IDENTIFIABLE INDIVIDUAL OR A DEVICE LINKED TO THAT INDIVIDUAL,  
10 PROVIDED THAT THE PERSON IN CONTROL OF THE DATA:

11 (1) TAKES REASONABLE MEASURES TO ENSURE THAT THE DATA  
12 CANNOT BE ASSOCIATED WITH A NATURAL PERSON;

13 (2) PUBLICLY COMMITS TO MAINTAIN AND USE THE DATA ONLY IN A  
14 DE-IDENTIFIED FASHION AND NOT ATTEMPT TO RE-IDENTIFY THE DATA; AND

15 (3) CONTRACTUALLY OBLIGATES ANY RECIPIENTS OF THE  
16 INFORMATION TO COMPLY WITH ALL PROVISIONS OF THIS SUBSECTION.

17 (H) (1) "PERSONAL DATA" MEANS ANY INFORMATION THAT IS LINKED OR  
18 REASONABLY LINKED TO AN IDENTIFIED OR IDENTIFIABLE NATURAL PERSON.

19 (2) "PERSONAL DATA" DOES NOT INCLUDE DE-IDENTIFIED DATA OR  
20 PUBLICLY AVAILABLE INFORMATION.

21 (I) "PUBLICLY AVAILABLE INFORMATION" HAS THE MEANING STATED IN § 14-4701 OF THE  
COMMERCIAL LAW ARTICLE.

22 (J) "RESIDENT INDIVIDUAL" MEANS AN INDIVIDUAL WHO RESIDES IN THE  
STATE.

(K) "SENSITIVE DATA" HAS THE MEANING STATED IN § 14-4701 OF THE COMMERCIAL  
LAW ARTICLE.

23 19-1002.

24 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A DATA  
25 BROKER SHALL REGISTER WITH THE COMPTROLLER AS PROVIDED IN § 19-1003 OF  
26 THIS SUBTITLE.

27 (B) A DATA BROKER IS NOT REQUIRED TO REGISTER WITH THE  
28 COMPTROLLER IF THE ONLY BROKERED PERSONAL DATA INVOLVES:

29 (1) PROVIDING PUBLICLY AVAILABLE INFORMATION THAT IS  
30 RELATED TO A RESIDENT INDIVIDUAL'S BUSINESS OR PROFESSION;

1 (2) PROVIDING PUBLICLY AVAILABLE INFORMATION AS PART OF A  
2 SERVICE THAT PROVIDES ALERTS FOR HEALTH OR SAFETY PURPOSES;

3 (3) PROVIDING DIRECTORY ASSISTANCE OR DIRECTORY  
4 INFORMATION SERVICES AS OR ON BEHALF OF A TELECOMMUNICATIONS CARRIER;  
5 OR

6 (4) SELLING THE ASSETS OF A BUSINESS ENTITY OR A PART OF A  
7 BUSINESS ENTITY A SINGLE TIME OR ONLY OCCASIONALLY AS PART OF A TRANSFER  
8 OF CONTROL OVER THE ASSETS THAT IS NOT PART OF THE ORDINARY CONDUCT OF  
9 THE BUSINESS ENTITY OR THE PART OF THE BUSINESS ENTITY.

10 19-1003.

11 (A) (1) ON OR BEFORE ~~JANUARY 31~~ DECEMBER 31 EACH YEAR, A BUSINESS ENTITY  
12 THAT ~~ACTED~~ INTENDS TO ACT AS A DATA BROKER DURING THE ~~PREVIOUS~~ SUBSEQUENT CALENDAR YEAR SHALL:

13 (i) SUBMIT ON A FORM AND IN A FORMAT THE COMPTROLLER  
14 SPECIFIES:

- 15 1. THE NAME OF THE DATA BROKER;
- 16 2. THE STREET ADDRESS AND TELEPHONE NUMBER OF  
17 THE DATA BROKER; AND
- 18 3. THE DATA BROKER'S PRIMARY WEBSITE AND E-MAIL  
19 ADDRESS;

20 (ii) PAY A FEE IN AN AMOUNT THAT THE COMPTROLLER  
21 DETERMINES; AND

22 (iii) INCLUDE WITH THE REGISTRATION FORM A DECLARATION  
23 IN WHICH THE DATA BROKER:

24 1. STATES WHETHER A RESIDENT INDIVIDUAL'S  
25 ~~PRECISE GEOLOCATION INFORMATION~~ SENSITIVE DATA IS A PART OF THE DATA BROKER'S DATA  
26 BROKERING ACTIVITY;

27 ~~2. STATES WHETHER A RESIDENT INDIVIDUAL'S~~  
28 ~~CONSUMER HEALTH DATA IS A PART OF THE DATA BROKER'S DATA BROKERING~~  
29 ~~ACTIVITY;~~

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1 ~~2.~~ STATES WHETHER RESIDENT INDIVIDUALS MAY OPT  
2 OUT OF ALL OR A PORTION OF THE DATA BROKER'S USE OF THEIR BROKERED  
3 PERSONAL DATA;

4 ~~3.~~ A. IDENTIFIES WHICH OF THE DATA BROKER'S  
5 ACTIVITIES A RESIDENT INDIVIDUAL MAY OPT OUT OF; AND

6 B. IDENTIFIES WHICH PORTION OF A RESIDENT  
7 INDIVIDUAL'S BROKERED PERSONAL DATA THE RESIDENT INDIVIDUAL MAY OPT  
8 OUT FROM PROVIDING OR PERMITTING THE DATA BROKER TO USE;

9 ~~4.~~ DESCRIBES THE METHOD BY WHICH A RESIDENT  
10 INDIVIDUAL MAY EXERCISE THE CHOICES DESCRIBED IN ITEMS 3 AND 4 OF THIS  
11 ITEM; AND

12 ~~5.~~ STATES WHETHER A RESIDENT INDIVIDUAL MAY  
13 AUTHORIZE AN INDIVIDUAL TO EXERCISE THE OPTIONS DESCRIBED IN ITEMS 3 AND  
14 4 OF THIS ITEM ON THE RESIDENT INDIVIDUAL'S BEHALF AND, IF SO, THE  
15 APPROPRIATE PROCESS FOR THE AUTHORIZATION.

16 (2) (i) THE COMPTROLLER SHALL ESTABLISH THE FEE REQUIRED  
17 UNDER PARAGRAPH (1)(ii) OF THIS SUBSECTION IN AN AMOUNT THAT IS SUFFICIENT  
18 TO PAY THE COSTS OF ADMINISTERING THE REGISTRATION PROGRAM ESTABLISHED  
19 UNDER THIS SUBTITLE.

20 (ii) 1. THE FEES COLLECTED UNDER THIS SUBSECTION  
21 SHALL BE USED TO ADMINISTER THE REGISTRATION PROGRAM.

22 2. ANY FUNDS REMAINING AFTER THE EXPENDITURE OF  
23 FUNDS UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL BE  
24 DISTRIBUTED BY THE COMPTROLLER TO THE OFFICE OF THE ATTORNEY GENERAL  
25 TO BE USED FOR THE ENFORCEMENT OF THE MARYLAND AGE-APPROPRIATE  
26 DESIGN CODE ACT, THE ONLINE DATA PRIVACY ACT, AND ANY STATE OR FEDERAL  
27 LAWS INVOLVING TECHNOLOGY, ONLINE SERVICES AND PRODUCTS,  
28 CYBERSECURITY, ARTIFICIAL INTELLIGENCE, AND DIGITAL PRIVACY.

29 (b) (1) IF A BUSINESS ENTITY COMPLIES WITH THE REQUIREMENTS OF  
30 THIS SECTION, THE COMPTROLLER SHALL APPROVE THE REGISTRATION.

31 (2) A REGISTRATION UNDER THIS SECTION IS VALID UNTIL  
32 DECEMBER 31 OF THE YEAR IN WHICH THE COMPTROLLER APPROVES THE  
33 REGISTRATION.

8 REPRINT OF SENATE BILL 616 as amended by SB0616/813820/1 02/26/26 at 10:24 AM

1 **19-1004.**

2 (A) THE COMPTROLLER SHALL MAKE THE INFORMATION THAT BUSINESS  
3 ENTITIES SUBMIT FOR REGISTRATION UNDER THIS SUBTITLE PUBLICLY AVAILABLE  
4 ON THE OFFICE'S WEBSITE.

5 (B) ON OR BEFORE DECEMBER 31, 2027, AND EACH DECEMBER 31  
6 THEREAFTER, THE COMPTROLLER SHALL REPORT TO THE GOVERNOR AND, IN  
7 ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, TO THE  
8 GENERAL ASSEMBLY ON THE FOLLOWING:

9 (1) HOW MANY BUSINESS ENTITIES REGISTERED WITH THE  
10 COMPTROLLER AS DATA BROKERS IN THAT YEAR;

11 (2) THE FEE CHARGED FOR REGISTRATION PER DATA BROKER AND  
12 THE TOTAL REVENUE COLLECTED;

13 (3) HOW MANY BUSINESS ENTITIES WERE FINED FOR  
14 NONCOMPLIANCE WITH THIS SUBTITLE; AND

15 (4) ANY OTHER INFORMATION THE COMPTROLLER DETERMINES IS  
16 RELEVANT.

17 **19-1005.**

18 (A) A BUSINESS ENTITY THAT FAILS TO REGISTER WITH THE OFFICE OF THE  
19 ATTORNEY GENERAL IN ACCORDANCE WITH THIS SUBTITLE SHALL BE LIABLE FOR:

20 (1) A FINE OF \$200 FOR EACH DAY THE BUSINESS ENTITY FAILS TO  
21 REGISTER; AND

22 (2) THE EXPENSES INCURRED BY THE OFFICE OF THE ATTORNEY  
23 GENERAL IN INVESTIGATING THE DATA BROKER'S FAILURE TO REGISTER.

24 (B) FINES COLLECTED UNDER THIS SECTION SHALL BE USED FOR THE  
25 ENFORCEMENT BY THE OFFICE OF THE ATTORNEY GENERAL OF THE MARYLAND  
26 AGE-APPROPRIATE DESIGN CODE ACT, THE ONLINE DATA PRIVACY ACT, AND ANY  
27 STATE OR FEDERAL LAWS INVOLVING TECHNOLOGY, ONLINE SERVICES AND  
28 PRODUCTS, CYBERSECURITY, ARTIFICIAL INTELLIGENCE, AND DIGITAL PRIVACY.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2026.

# **SB616\_SponsorAmendment**

Uploaded by: Katie Fry Hester

Position: FAV



SB0616/813820/1

AMENDMENTS  
PREPARED  
BY THE  
DEPT. OF LEGISLATIVE  
SERVICES

26 FEB 26  
10:24:24

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

AMENDMENT TO SENATE BILL 616  
(First Reading File Bill)

On page 4, strike beginning with “A” in line 29 down through “FROM” in line 30 and substitute “THE COLLECTION OF DATA DIRECTLY FROM, OR THE SALE OR LICENSING OF DATA COLLECTED DIRECTLY FROM,”; and in line 31, strike “THE” and substitute “A”.

On page 5, in line 21, after “(I)” insert ““PUBLICLY AVAILABLE INFORMATION” HAS THE MEANING STATED IN § 14-4701 OF THE COMMERCIAL LAW ARTICLE.”

(J)”;

and after line 22, insert:

“(K) “SENSITIVE DATA” HAS THE MEANING STATED IN § 14-4701 OF THE COMMERCIAL LAW ARTICLE.”.

On page 6, in line 11, strike “JANUARY 31” and substitute “DECEMBER 31”; in line 12, strike “ACTED” and substitute “INTENDS TO ACT”; in the same line, strike “PREVIOUS” and substitute “SUBSEQUENT”; in line 25, strike “PRECISE GEOLOCATION INFORMATION” and substitute “SENSITIVE DATA”; and strike in their entirety lines 27 through 29, inclusive.

On page 7, in lines 1, 4, 9, and 12, strike “3.”, “4.”, “5.”, and “6.”, respectively, and substitute “2.”, “3.”, “4.”, and “5.”, respectively.

**SB 616 CPD Support w. Am.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 26, 2026

**TO:** The Honorable Pamela Beidle, Chair  
Finance Committee

**FROM:** Hanna Abrams, Assistant Attorney General

**RE:** Senate Bill 616 – Business Regulation – Data Broker Registry  
(SUPPORT WITH AMENDMENTS)

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The Consumer Protection Division of the Office of the Attorney General supports, with the amendments discussed below Senate Bill 616 (“SB 616”), sponsored by Senators Hester, Gile, Ferguson, Love, Hettleman, Lam, and King. Senate Bill 616 requires data brokers that trade in the personal data of Maryland residents to register with the state.

Data brokers are companies that collect, aggregate, and sell personal information about people with whom they have no direct relationship. Since they have no direct relationship with consumers, people are often unaware they exist. Senate Bill 616 requires data brokers to register in Maryland.<sup>1</sup>

The Division supports SB 616, but recommends deleting page 4, lines 6-26 which exempts entities subject to the Federal Credit Reporting Act (FCRA), the Gramm-Leach-Bliley Act (GLBA), as well as the National Insurance Crime Bureau from registering in Maryland. A data broker registry does not limit the amount of data that is collected, marketed, or sold or even how it is used; it merely informs the public which entities buy and sell data. There is little justification for exempting any entity from the registry requirement, since they are already

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<sup>1</sup> Senate Bill 616 establishes a \$200 per day fine for failing to register. While a \$200 fine would be inadequate to fund a privacy unit to enforce Maryland’s privacy laws, it is comparable to the fines applied to data brokers in California for failing to register Cal. Civ. Code 1798.99.82(c).

obligated to register in Vermont.<sup>2</sup> If any exemption is applied, however, it should be limited to collected pursuant to and in compliance with the GLBA or the FCRA.<sup>3</sup>

Additionally, the Division recommends removing the exclusion of “publicly available information” from the definition of personal data when the publicly available information is compiled from more than one source. By piecing together information from many different sources, even if it is publicly available, data brokers can create extremely detailed dossiers about people. Criminals use these compilations of data to scam and defraud consumers because someone is more likely to fall for a phishing scam when it includes accurate information about the person’s location, prior residences, telephone information, mortgage loan amounts, or even roommate names. With technology today, public records can be amassed and collated instantly, and this trend will only increase with the use of artificial intelligence. The exceptions for publicly available information generally emerged from an era when paper records were commonplace and are overbroad for today’s world.

The Division asks the Senate Finance Committee to issue a favorable report with the amendments discussed.

cc: Senator Katie Fry Hester  
Senator Dawn Gile  
President Bill Ferguson  
Senator Sara Love  
Senator Shelly Hettleman  
Senator Clarence K. Lam  
Senator Nancy J. King  
Members, Finance Committee

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<sup>2</sup> 9 Vt. Stat. Ann. § 2430.

<sup>3</sup> For example, many credit reporting agencies sell much more than credit reports. Some credit reporting agencies sell consumer health data, marketing data, location data, biometrics, digital behavior data, internet activity, education data, inferences based on personal characteristics and preferences drawn from personal data, and other information that goes far beyond what we imagine is included in a credit file.

# **Ad Trade Letter in Opposition to Maryland SB 616 (**

Uploaded by: Adam Wadsworth

Position: UNF



February 20, 2026

Senator Pamela Beidle  
Chair, Senate Finance Committee  
3 East Miller Senate Office Building  
11 Bladen Street  
Annapolis, Maryland 21401

Senator Antonio Hayes  
Vice Chair, Senate Finance Committee  
223 James Senate Office Building  
11 Bladen Street  
Annapolis, Maryland 21401

Senator Katie Fry Hester  
304 James Senate Office Building  
11 Bladen Street  
Annapolis, MD 21401

**RE: Letter in Opposition to Maryland SB 616**

Dear Chair Beidle, Vice Chair Hayes, and Senator Fry Hester:

On behalf of the advertising industry, we write to oppose Maryland SB 616.<sup>1</sup> We provide this letter to offer our non-exhaustive list of concerns about this bill. SB 616 would create a new registry that would require registration by many companies not traditionally considered data brokers and would not clearly define what the associated fee would be for such companies. Accordingly, we ask you to decline to advance the bill as drafted out of the Senate Finance Committee (“Committee”).

As the nation’s leading advertising and marketing trade associations, we collectively represent thousands of companies across the country. These companies range from small businesses to household brands, advertising agencies, and technology providers. Our combined membership includes more than 2,000 companies that power the commercial Internet, which accounted for nearly 20 percent of total U.S. gross domestic product (“GDP”) in 2024.<sup>2</sup> By one estimate, approximately 17% of Maryland jobs in 2024 were related to the ad-subsidized Internet, a share projected to increase to 18.5% by 2029.<sup>3</sup> Our group has more than a decade’s worth of hands-on experience it can bring to bear on matters related to consumer privacy and controls. We would welcome the opportunity to engage with the Committee further on the points we discuss in this letter.

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<sup>1</sup> Maryland SB 616 (2026 Session), located [here](#) (hereinafter, “SB 616”).

<sup>2</sup> S&P Global, THE ECONOMIC IMPACT OF ADVERTISING ON THE US ECONOMY, 2024-2029 at 4 (Aug. 2025), located at [https://theadcoalition.com/wp-content/uploads/2025/08/TAC\\_SP-Global-Final-Report\\_August-2025.pdf](https://theadcoalition.com/wp-content/uploads/2025/08/TAC_SP-Global-Final-Report_August-2025.pdf).

<sup>3</sup> *Id.* at 15-16.

## I. SB 616 Would Adopt an Overbroad Definition of Data Broker.

SB 616's proposed definition of "data broker" is materially broader than those adopted in other states. The bill would sweep in companies of all sizes that collect personal data to identify and reach potential new customers who have not previously interacted with them but may be interested in their products or services. Under the bill's current language, a "data broker" would be broadly defined as any business entity that engages in "data brokering," defined as the act of *collecting*, selling, or licensing "brokered personal data," including basic identifiers like names, addresses, and other personal data when such data are categorized or organized for sale or licensing to another entity.<sup>4</sup> While the bill includes a carve-out for data collected from direct customers ("a consumer with whom the business entity has a direct relationship" in the immediately preceding five years), the bill still would categorize any business that collects and maintains prospect lists or consumer information for outreach or analytics as "data brokers."<sup>5</sup> Given the bill's broad "data broker" definition, the proposed registry would amount to a list of any entity doing business in Maryland that wants to find or reach new customers.

Unlike Vermont, Texas, and California, where data broker laws apply to businesses that knowingly collect *and sell* personal data of consumers with whom they have no direct relationship, SB 616 would extend the definition to include any business, including small businesses that collect or organize consumer information for legitimate marketing purposes.<sup>6</sup> The broadly defined term may also expand the concept of "data broker" to include data processors, which would be a significant expansion of the common understanding and definition of the term. Processors typically act at the direction of controllers and do not independently determine how or why personal data is used. However, SB 616's broad definition risks capturing these processors, such as analytics vendors or advertising third-party partners, that work solely on behalf of other businesses and do not independently "sell" data for their own purposes.

The bill's "data broker" definition departs from the approach used in other states and would create uncertainty for a wide range of companies, particularly new businesses and start-ups that lack direct consumer relationships. This definition could inadvertently require these small and new businesses, who simply seek to reach prospects or measure consumer interest, to register as a data broker with the Comptroller, pay fees, and comply with reporting requirements. However, the breadth of the definition creates concerns in addition to the likely impact on small businesses. More established consumer goods companies, like poultry companies, spices companies, and baking goods companies who sell their products through retailers, as well as hospitality and travel services sold through agents, would be impacted by the overbroad sweep of the proposed law. These sectors, which are vital to the Maryland economy, could become

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<sup>4</sup> SB 616 § 19-1001(E)-(F).

<sup>5</sup> SB 616 § 19-1001(F)(2).

<sup>6</sup> Compare Cal. Civ. Code § 1798.99.80(c), 9 V.S.A. § 2430(4), and Tex. Bus. & Com. Code § 510.001(4) with SB 616 § 19-1001(E).

subject to the requirements of SB 616, if enacted. The Committee should take steps to narrow the bill’s “data broker” definition to focus on entities whose principal business is the commercial sale of consumer data to better align the bill with established data broker frameworks in other states.

**II. SB 616’s Data Broker Registry Registration Fee Is Unclear.**

SB 616 would leave the registration fee entirely to the discretion of the Comptroller, with no statutory guidance or cap.<sup>7</sup> As drafted, the bill would authorize the Comptroller to determine the amount of the fee through regulation, rather than specifying the fee directly in the statute or establishing guardrails such as a maximum amount or tiered fee structure. Because the registration requirement is mandatory, the fee effectively functions as a condition of doing business, and these fundamental cost parameters should be set by the Maryland Legislature and not left to future administrative determination. SB 616’s lack of clarity creates uncertainty for businesses attempting to assess compliance obligations. Moreover, depending on the ultimate amount established, and given the bill’s broad proposed definition of “data broker,” the fee could have a disparate impact on businesses of different sizes. Without statutory limits, the bill risks imposing significant costs on smaller entities that may lack the resources to absorb additional regulatory expenses. The Committee should consider clarifying the fee for registration in the statute, like other states have done with existing data broker registries.<sup>8</sup>

\* \* \*

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<sup>7</sup> SB 616 § 19-1003(A)(2).

<sup>8</sup> See e.g., Tex. Bus. & Com. Code § 510.005(a).



We and our members strongly support meaningful privacy protections for consumers. We believe, however, that SB 616 will not further meaningful protections in Maryland. The bill would create a data broker registry so broadly construed that it would capture many businesses not traditionally understood to be data brokers, requiring them to register and comply with regulatory obligations that are not aligned with their core activities. As a result, companies that merely collect or organize consumer information for routine business purposes, rather than operating as commercial data resellers, could be swept into the registry. This expansive scope risks imposing unknown registration fees, compliance costs, and administrative burdens without delivering meaningful additional consumer protections or measurable economic benefits to Maryland residents. We therefore respectfully ask the Committee not to advance SB 616 as proposed.

Thank you in advance for your consideration of this letter.

Sincerely,

Christopher Oswald  
EVP for Law, Ethics & Govt. Relations  
Association of National Advertisers  
202-296-1883

Alison Pepper  
EVP, Government Relations & Sustainability  
American Association of Advertising Agencies, 4As  
202-355-4564

Clark Rector  
Executive VP—Government Affairs  
American Advertising Federation  
202-898-0089

Lou Mastria  
CEO  
Digital Advertising Alliance  
347-770-0322

CC: Members of the Maryland Senate Finance Committee

Mike Signorelli, Venable LLP  
Allie Monticollo, Venable LLP  
Matthew Stern, Venable LLP

**MDCC\_SB 616\_Unfavorable.pdf**

Uploaded by: Grason Wiggins

Position: UNF



## Senate Bill 616

**Position: Unfavorable**

Committee: Finance

Date: February 26, 2026

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Founded in 1968, the Maryland Chamber of Commerce (“Maryland Chamber”) is a statewide coalition of more than 7,000 members working to develop and promote strong public policy that ensures sustained economic growth and opportunity for all Marylanders.

As currently drafted, Senate Bill (“SB 616”) includes an overly broad definition of “data broker” that would create significant unintended consequences for Maryland employers and the broader economy.

SB 616’s definition of “Data Broker” is overly expansive and risks sweeping in companies that are not data brokers. As written, the measure could apply to a wide range of ordinary businesses that collect or share data as a routine part of providing products and services. This approach would effectively subject many Maryland businesses to new regulatory and fee requirements.

Further, SB 616 introduces definitions and terminology that do not align with the Maryland Online Data Privacy Act. Differences in key terms—such as the treatment of biometric information and the definition of personal data—would create confusion and duplicative compliance burdens. Instead of creating clarity, the bill risks establishing overlapping and potentially conflicting legal frameworks.

Maryland’s business community supports responsible data practices, and Maryland has already enacted a comprehensive data privacy framework. Rather than layering on an additional registry with broad and unclear scope, Maryland should focus on ensuring consistency and effective implementation of existing law.

Data-driven services enhance public safety, reduce fraud, improve operational efficiency, and facilitate commerce. As drafted, SB 616 would unnecessarily subject a broad array of businesses to annual registration and fee requirements. **For these reasons, the Maryland Chamber respectfully requests an unfavorable report on SB 616.**

**PDF\_v3\_[MD] SB 616\_data brokers\_TechNet.pdf**

Uploaded by: margaret durkin

Position: UNF

February 24, 2026

The Honorable Pam Beidle  
Chair  
Senate Finance Committee  
Maryland Senate  
3 East Miller Senate Office Building  
11 Bladen Street  
Annapolis, MD 21401

*RE: SB 616 (Hester) - Business Regulation - Data Broker Registry – Unfavorable*

Dear Chair Beidle and Members of the Committee,

On behalf of TechNet, I'm writing to share concerns on SB 616.

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes 103 dynamic American businesses ranging from startups to the most iconic companies on the planet and represents five million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

Our member companies consistently place a high priority on consumer privacy, and the technology industry is committed to privacy and security. However, we are concerned about SB 616 for several reasons. In our view, this bill is overbroad. As defined, a "Data Broker" appears to include any business that collects data, which would effectively encompass nearly all businesses. The definitions are difficult to interpret because the definition of "Data Brokering" appears inconsistent with the definition of "Brokered Personal Data". Moreover, each of these terms use other terms that remain undefined in the bill, such as "sale". Additionally, many of the terms in SB 616 do not match up with the Maryland Online Data Privacy Act. For example, SB 616 references "Biometric Information" while the Maryland privacy law references "Biometric Data", and the two definitions differ. Additionally, the two frameworks take different approaches to defining "Personal Data".

The bill contains several exemptions, but they also do not align with the state's privacy law, which creates conflicting requirements. Additionally, should this bill advance, we believe that the state, a unit of the state, local governments, and/or a business entity doing work with the state should also be subject to SB 616's requirements under the public registry provision to ensure a level playing field.

Governments have a vast amount of consumer data and should be subject to similar regulations.

For these reasons, we believe that adopting Oregon's data broker law would be a better approach as it establishes a registry that is properly calibrated to include the companies that are actually data brokers, while ensuring that the rest of the business community is covered by their comprehensive data privacy law as required. TechNet has linked a copy of that language [here](#).

Lastly, we note that our membership is comprised of companies who are both included as data brokers under Oregon, as well as companies who are not included within that law, and there is agreement that the Oregon law is an acceptable path forward.

Data providers benefit the public and government by providing valuable and cost-effective access to data, which provide value-added services. Data providers help with public safety, reduce costs, and facilitate commerce. For the reasons stated above, TechNet is opposed to SB 616 in its current form. Thank you for your consideration of our concerns and please don't hesitate to reach out with any questions.

Sincerely,



Margaret Durkin  
TechNet Executive Director, Pennsylvania & the Mid-Atlantic

# **SB616\_FINRA\_INFO**

Uploaded by: Brian Peterson

Position: INFO



February 26, 2026

The Honorable Pamela Beidle, Chair  
Finance Committee  
3 East Miller Senate Office Building  
Annapolis, Maryland 21401

### **Testimony on Senate Bill 616 - Business Regulation - Data Broker Registry**

Dear Chair Beidle and Members of the Senate Finance Committee:

The Financial Industry Regulatory Authority (FINRA)<sup>1</sup> appreciates this opportunity to submit written testimony on Senate Bill 616 (SB 616).

FINRA is a 501(c)(6) not-for-profit regulator of the securities industry that operates under authority granted under the Securities Exchange Act of 1934 (the 1934 Act). FINRA is registered with the U.S. Securities and Exchange Commission (SEC) as a national securities association and is a self-regulatory organization of member brokerage firms under the 1934 Act.<sup>2</sup> FINRA writes rules, examines for and enforces compliance with both FINRA rules and federal securities laws and regulations. FINRA rules are reviewed and approved by the SEC, as part of its broad oversight of FINRA.

FINRA's regulatory work includes the oversight of the more than 225,600 individuals and the more than 1,690 broker-dealer firms registered to do business in Maryland. FINRA also monitors the nation's top exchanges and off-exchange venues for market manipulation, operates a toll-free helpline for senior investors, administers a specialized arbitration forum with a focus on investor protection, administers licensing qualification examinations<sup>3</sup> and takes enforcement actions on potential violations of FINRA's rules and federal securities laws. As part of this work, FINRA regularly communicates with the Maryland Division of Securities (Division) about the brokerage firms and their associated persons, including securities salespersons, who fall under the jurisdiction of both FINRA and the Division.

FINRA collects and shares data – including personal information – only for regulatory purposes. Limited information is shared with law enforcement and other regulators, such as the SEC or the Division, in connection with our general oversight and enforcement efforts.

In addition, the 1934 Act requires FINRA to make certain registration information available to the public. FINRA accomplishes this through BrokerCheck, a free online database<sup>4</sup>.

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<sup>1</sup> For more information, please visit [www.FINRA.org/about](http://www.FINRA.org/about)

<sup>2</sup> Pursuant to the Maloney Act of 1938, 15 U.S.C. §§ 78o-3, et seq., amending the Securities Exchange Act of 1934, 15 U.S.C. §§ 73a, et seq.

<sup>3</sup> FINRA develops and administers qualifying examinations to securities industry professionals, which serve as a prerequisite to FINRA registration. FINRA also administers state law examinations on behalf of the North American Securities Administrators Association, which Maryland uses for state licensing purposes.

<sup>4</sup> See <https://brokercheck.finra.org>  
Investor protection. Market integrity.

BrokerCheck helps investors make informed choices about agents and broker-dealer firms by providing a snapshot of an agent's employment history, regulatory actions, investment-related licensing information, arbitrations and complaints. **FINRA neither sells this information nor uses it for any commercial, advertising, or marketing purposes.** Broker-dealers, regulated by FINRA, maintain similar information found in BrokerCheck and are expressly exempted from the bill<sup>5</sup>.

FINRA is keenly aware of the risks faced by the securities industry and is committed to protecting investor and market data. However, we are concerned that FINRA, a not-for-profit entity that regulates the brokerage industry pursuant to the 1934 Act and with the oversight of the SEC may unintentionally be covered by SB 616, as it is currently drafted. The bill's provisions could interfere with FINRA's ability to protect Maryland investors.

The importance of FINRA's regulatory mission was recently recognized by the General Assembly when it enacted the Maryland Online Data Privacy Act<sup>6</sup>. To make certain that FINRA can continue to protect Maryland investors, fulfill its regulatory mission as set out in the 1934 Act, and align the SB 616 with the Maryland Online Data Privacy Act, FINRA respectfully urges you to consider adding the following language to Section 19-1001(E) (2):

(IV) A national securities association as defined in Section 3(a)(26) of the Securities Exchange Act of 1934 (15 U.S.C. Section 78a, et seq., as amended) and the rules and implementing regulations promulgated thereunder.

If you have any questions, or if there is further information we can provide, please reach out to me at [kristen.standifer@finra.org](mailto:kristen.standifer@finra.org) or (415) 217-1126. Thank you for your consideration.

Sincerely,



Kristen Standifer  
Senior Director, State Government Affairs  
Office of Government Affairs  
FINRA

CC: The Honorable Katie Fry Hester  
The Honorable Dawn Gile  
The Honorable Bill Ferguson  
The Honorable Sara Love  
The Honorable Shelly Hettleman  
The Honorable Clarence K. Lam  
The Honorable Nancy J. King

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<sup>5</sup> Section 19-1001(E) (2) (II).

<sup>6</sup> Md. Code Ann., Com. Law § 14-4703 (a) (2).