

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



PETER V. BERNS
General Counsel

CHRISTIAN E. BARRERA
Chief of Staff

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

ANTHONY G. BROWN
Attorney General

March 3, 2026

TO: The Honorable Melissa Wells
Chair, Government, Labor, and Elections Committee

FROM: Tiffany Clark
Director, Legislative Affairs, Office of the Attorney General

RE: House Bill 1317 – State Government - Data-Sharing Agreements and Personal Identifying Information - Prohibition and Reporting (Maryland Data Privacy and Federal Shield Act) (Letter of Concern)

The Office of the Attorney General (OAG) respectfully submits this letter of concern regarding House Bill 1317 - State Government - Data-Sharing Agreements and Personal Identifying Information - Prohibition and Reporting (Maryland Data Privacy and Federal Shield Act). HB 1317 requires the OAG to study and report on State and local government data-sharing agreements with the federal government, and to prohibit State and local agencies from sharing personal identifying information, including citizenship or immigration status, with federal agencies.

While we appreciate the intent of this legislation to protect the privacy of Maryland residents and ensure accountability in data-sharing practices between State and local governments and the federal government, we have identified the following significant concerns that warrant the Committee's attention:

- **Unfunded, unworkable OAG mandate.** The bill would require the OAG to conduct a comprehensive, statewide study and review of all State and local government data-sharing agreements with the federal government. This obligation does not fall within the responsibility of any existing OAG unit, would considerably strain OAG's resources, and comes with no accompanying funding or staffing authorization. The scale of the undertaking, which spans State agencies and all 24 local jurisdictions, makes this an

onerous and burdensome assignment that would be more appropriately placed with a dedicated task force or commission.

- **No mechanism for agencies to report to OAG.** The bill does not impose any affirmative obligation on State or local agencies to identify and report responsive agreements to the OAG. As a result, the OAG would be left to independently search out potentially hundreds of agreements across State and local government, presumably relying on Public Information Act requests. This would be a slow and resource-intensive process that is not appropriate for producing a comprehensive, reliable report.
- **"Data-sharing agreement" is undefined.** The bill does not define the term "data-sharing agreement," leaving the scope of the study and the prohibited conduct open to significant ambiguity. Without a clear definition, agencies and the OAG would lack guidance on what agreements are covered, creating inconsistent implementation and potential legal disputes.
- **Potential conflict with federal law.** The prohibition on sharing citizenship or immigration status information with federal agencies **may** directly conflict with 8 U.S.C. § 1373, which prohibits states from restricting their employees from sharing such information with the federal government.

We appreciate Delegate Ivey's work on this important issue and remain available to work collaboratively to address these considerations as the legislation advances.

Cc: Members of the Committee