



Consumer Data Industry Association
1090 Vermont Ave., NW, Suite 200
Washington, D.C. 20005-4905

February 23, 2026

P 202 371 0910

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Delegate J. Sandy Bartlett
Chair
House Judiciary Committee
Maryland House of Delegates
100 Taylor House Office Building
Annapolis, Maryland 21401

Chair Bartlett, Vice Chair Davis, and Members of the Committee:

On behalf of the Consumer Data Industry Association (CDIA), I am writing to express support for proposed amendments to HB 712 that would alleviate unintended conflicts between its proposed regulations for certain artificial intelligence systems and the federal Fair Credit Reporting Act (FCRA). We respectfully encourage the committee to adopt the proposed amendments if the bill should move forward and appreciate the sponsors' willingness to work with CDIA on language to address our concerns.

CDIA represents the consumer reporting industry, including nationwide credit bureaus, regional and specialized credit bureaus, background check companies, and more. Since our founding in 1906, we have promoted the responsible use of consumer data to empower financial opportunities, reduce fraud, and manage risk. Through data analytics, our members facilitate fair and secure transactions, foster competition, and expand consumers' access to tailored financial products. As part of our mission, CDIA promotes responsible data practices to benefit consumers and to help businesses, governments and volunteer organizations avoid fraud and manage risk.

As drafted initially, HB 712 would establish duplicative, confusing and contradictory requirements on the developers and deployers of consumer reports that meet the definition of artificial intelligence systems. As the committee may be aware, the Consumer Reporting Agencies (CRAs), entities that furnish data to CRAs, and consumer reports themselves are all tightly regulated by the federal Fair Credit Reporting Act (FCRA). In addition, Maryland has previously codified much of the FCRA into state statute.

Passed in 1970, the FCRA is in some ways the country's first national privacy law. The law has been amended many times over the years to ensure consumer protections are properly maintained as technology and use of consumer data has evolved. The FCRA strictly regulates consumer reporting, limiting the purposes for which an entity may request a consumer report and limiting the types of information that a report can contain. As it relates to consumers, the FCRA also established robust consumer protections including the right to know what information is collected, who has accessed the information contained in consumer reports, to know if the information results in an adverse action, and to correct and/or delete inaccurate information in a consumer's file.

As the consumer reporting system operates across all jurisdictions, only national uniform standards can achieve the dual goals of protecting consumers and maintaining accurate reports. CDIA appreciates the recognition that many of the intended consumer protections proposed by HB 712 already exist within the FCRA in the context of consumer reports and welcomes the proposed amendments to ensure that consumer reporting continues to be governed by the FCRA instead of artificial intelligence regulations like HB 712. We respectfully encourage the committee to adopt the proposed amendments and appreciate the willingness of the sponsor and proponents to collaborate on a solution to address the unintended tensions between Maryland law and the federal FCRA. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Zachary W. Taylor", is written over a circular stamp or watermark.

Zachary W. Taylor
Director, Government Relations
Consumer Data Industry Association