

Data Privacy

Maryland has worked hard to preserve the fundamental rights of its residents and to protect their sensitive data; recent years have seen MGA passage of three signature pieces of legislation:

- The Public Safety Section of 2021 Driver Privacy Protection Act,
- The Maryland Public Information Act (MPIA),
- and the Maryland Online Data Privacy Act (MODPA).

However, legal loopholes in these laws, combined with Federal overreach, have resulted in the free outflow of data to ICE and others, via third-party data aggregators and brokers, International Justice and Public Safety Network (“Nlets”), and automated license plate readers (ALPRs).

It is essential to close these loopholes. This bill ensures that state agencies are a shield, not a conduit, for unwarranted federal overreach.

This bill will:

- Address the Public Safety Section of 2021 Driver Privacy Protection Act to strengthen current law by explicitly adding third parties, such as NLETS, to the definition of covered entities.
- Change MPIA to protect data that could otherwise be considered public information, and ensure that MPIA officers take adequate steps to ensure MPIA’s requests are not being used for immigration enforcement purposes.
- Strengthen data privacy provisions in MODPA by limiting the “publicly available information” that falls outside its protections; by specifically protecting geolocation data from mobile devices and vehicles; by ending the law enforcement exemption of ICE; by prohibiting the use of non-sensitive data to infer sensitive data.

Limiting ICE Access to this data is critical:

- **Protects Marylanders’ Privacy** - Ensures that Marylanders’ sensitive data is shielded from unwarranted federal surveillance and misuse.
- **Maintains Trust in Government and State Agencies** - Trust in government is eroded by aggressive federal enforcement. This bill reassures Marylanders that state agencies prioritize their safety and privacy.

This bill will ensure that Maryland upholds the privacy and trust of its residents.

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