

January 16, 2018

Delegate Al Carr (District 18)
Maryland House of Delegates
House Office Building, Room 222
6 Bladen St., Annapolis, MD 21401

Dear Delegate Carr,

We write in response to your request for comments on HB 56, a bill to prohibit a “law enforcement officer from obtaining utility data recorded by a ‘smart meter,’ in the course of an investigation, without a search warrant issued under § 1-203 of the Criminal Procedure Article.”

EPIC is a non-partisan organization, established in 1994, to focus public attention on emerging privacy and civil liberties issues. We have worked extensively on the issue of “smart meters” and privacy. We have also filed several *amicus* briefs with the United States Supreme Court, concerning new technology, urging compliance with Fourth Amendment warrant requirements.

HB 56 is a sensible and effective response to an emerging privacy issue facing Maryland residents. Smart meters collect detailed personal data about the use of utility services. With a smart meter, it is possible to determine when a person is in a residence, and what they are doing. Moreover the routine collection of this data, without adequate privacy safeguards, would enable ongoing surveillance of Maryland residents without regard to any criminal suspicion.

HB 56 does not prevent law enforcement use of data generated by smart meters; it simply requires that law enforcement follow clear procedures, subject to judicial oversight, to access the data generated by smart meters.

HB 56 is an example of a model privacy law that enables innovation while safeguarding personal privacy.

Thank you again for the opportunity to comment on HB 56.

Sincerely yours,



Marc Rotenberg, President
EPIC