



February 28, 2025

The Honorable C.T. Wilson
House Economic Matters Committee
Room 231
House Office Building
Annapolis, MD 21401

Re: *S.B. 1365 (Commercial Law - Online Data Privacy - Limits on Data Collection) - OPPOSE*

Dear Chair Wilson and Members of the Committee:

EPIC and Consumer Reports write in opposition to HB 1365, a bill that would undo the strong pro-consumer work this Committee and the Maryland General Assembly did last year in passing the Maryland Online Data Privacy Act.

The Maryland Online Data Privacy Act requires that companies limit their collection of personal data to what is reasonably necessary to provide the product or service the consumer requested. This aligns companies' data practices with what consumers expect.

HB 1365 would strike that important data minimization rule and replace it with a requirement that companies simply limit their collection of personal data to what is reasonably necessary "in relation to the purposes for which such data is processed, *as disclosed to the consumer.*"

This change would mean the Maryland Online Data Privacy Act would not meaningfully limit what data companies can collect or what they can do with that data — it would merely require that companies disclose these details in their privacy policies, which consumers rarely read or understand. In fact, it incentivizes companies to list as many purposes as possible, and as broadly as possible, to cover every conceivable reason they would ever want to collect our data for.

This does little to change the broken status quo. The Maryland General Assembly decided last year to encourage companies to innovate on privacy and find more privacy-protective ways of doing business. This bill would reverse that.

Industry lobbyists will argue that HB 1365 is needed to make Maryland's law consistent with other states. But consistent regulations shouldn't mean weak regulations. And indeed, numerous states are now looking to Maryland's standard in proposed privacy legislation. Connecticut, long cited by industry as the model other states should follow, had a hearing this week on a bill sponsored by the Connecticut Data Privacy Act's original sponsor, Senator James Maroney, that would update

Connecticut’s privacy law to match Maryland’s data minimization standard.¹ Legislation with similar standards has also been introduced in Massachusetts,² Vermont,³ Washington State⁴, and New Mexico.⁵

HB 1365’s gutting of one of the most important provisions in the Maryland Online Privacy Act would make Marylanders less safe online. EPIC and Consumer Reports encourage this Committee to give an unfavorable report to HB 1365.

Thank you for the opportunity to testify. We are happy to be a resource to the Committee on these issues.

Sincerely,

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Law Fellow, EPIC

Matt Schwartz
Policy Analyst, Consumer Reports

¹ CT S.B. 1356 (2025).

² MA HD.2135 (2025).

³ VT H.208 (2025).

⁴ WA HB 1671 (2025).

⁵ NM SB 420 (2025).