



March 3, 2025

House Economic Matters Committee
Maryland General Assembly
90 State Circle Annapolis, MD 21401

Re: HB 1365 - Online Data Privacy - Limits on Data Collection (Support)

Dear Chair Wilson and Members of the House Economic Matters Committee:

On behalf of the Computer & Communications Industry Association (CCIA), I write to respectfully support HB 1365. CCIA is an international, not-for-profit trade association representing a broad cross-section of communications and technology firms.¹ Proposed regulations on the provision of digital services therefore can have a significant impact on CCIA members. CCIA supports strong consumer privacy protections and believes that such protections should, when possible, apply uniformly across jurisdictions. HB 1365 is an important step toward these goals. HB 1365 presents the following benefits:

HB 1365 would align Maryland's data minimization standard with the emerging consensus.

Crucially, HB 1365 limits controllers' collection of personal data to what is "adequate, relevant, reasonably necessary, and proportionate" to "the purposes for which the data is processed." This standard aligns with those in the GDPR,² CCPA,³ and other state laws,⁴ and currently covers over 610 million consumers. Maryland's current standard, which limits controllers' collection of personal data to what is "strictly necessary" for the "specific product or service"⁵ offered, disincentivizes businesses from serving Maryland consumers, since doing so would subject them to a requirement not present in most other jurisdictions.

Maryland's current data minimization standard risks eroding consumer benefits.

The current "strictly necessary" standard risks reducing consumer benefits and service quality, as businesses must modify their operations to meet a standard not seen in most jurisdictions. A notable drawback of Maryland's current standard is that the "strictly necessary" prohibition applies regardless of whether the consumer has consented to additional data processing.⁶ This prohibition may severely harm Maryland businesses that provide free products or services to

¹ For more than 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. A list of CCIA members is available at <https://www.ccianet.org/members>.

² 216 O.J. (L. 119) 679, art. 5, § 1(c), <https://gdpr-info.eu/art-5-gdpr/>.

³ Cal. Civ. Code § 1798.100(c) (West 2018),

https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=CIV&division=3.&title=1.81.5.&part=4.&chapter=&article=

⁴ See, e.g., Connecticut Data Privacy Act, Conn. Gen. Stat. § 42-520(a)(1) (2024), https://www.cga.ct.gov/2024/sup/chap_743jj.htm.

⁵ Maryland Online Data Privacy Act, Md. Code Ann., Com. Law § 14-4607(A)(1) (West 2024), https://mgaleg.maryland.gov/2024RS/chapters_noln/Ch_455_sb0541E.pdf.

⁶ *Id.*



consumers, such as online news organizations. Companies also rely on consensually obtained data to provide personalized shopping recommendations, rewards programs, website upgrades, and security improvements. HB 1365’s proposed definition would ensure that Maryland businesses can provide these features to their customers without sacrificing their privacy.

Maryland’s current standard limits accessibility.

Many Maryland consumers rely on tools like voice recognition, text-to-speech, and other accessibility features to use online products and services. Such tools often rely on consumer-provided data to work effectively. While such tools are clearly “adequate, relevant, and reasonably necessary” to provide products and services, Maryland’s current standard would require businesses to show that such tools are “strictly necessary.” If businesses are unable to show strict necessity, they may provide fewer accessibility features to ensure compliance. This standard risks hindering many vulnerable populations’ ability to use the internet by depriving them of tools that make online products and services more easily accessible.

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To ensure that Maryland consumers continue to benefit from the best possible consumer protections and maintain both privacy and accessibility, CCIA recommends passing HB 1365. We appreciate the Committee’s consideration of these comments.

Sincerely,

Megan Stokes
State Policy Director
Computer & Communications Industry Association