

NetChoice *Promoting Convenience, Choice, and Commerce on the Net*

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Chair Joan Carter Conway
Education, Health, and Environmental Affairs Committee
2 West, Miller Senate Office Building
Annapolis, MD 21401

RE: Opposition to HB 430 – Student Data Privacy Council

Dear Chair Conway and Committee Members:

Thank you for the hard work, thoughtfulness, leadership, and deliberation you all put into enacting the Maryland Student Data Privacy Act of 2015 (the “Student Data Privacy Act” or the “Act”). The Student Data Privacy Act is a model for the country because of your work.

As you recall, the Student Data Privacy Act:

- (a) protects student information from unauthorized access, destruction, use, modification, or disclosure;
- (b) requires vendors to implement security procedures and practices to protect student information; and
- (c) requires deletion of covered information upon request of the public school or local school system.

Further, the Act:

- (1) prohibits targeted advertising to students using the subject website, online service, or application;
- (2) prohibits use of information to make a profile about a student except in furtherance of a preK-12 school purpose;
- (3) prohibits the sale of a student’s information; and
- (4) prohibits the disclosure of information related to the student.

As demonstrated by the collaborative efforts last year, the technology industry shares the important goal of protecting Maryland student data while expanding their educational resources and choices in a global community.

This is why we find HB 430 to be a solution in search of a problem that does not exist.

The Student Data Privacy Act of 2015 was signed by the Governor on May 12, 2015, and took effect on July 1, 2015. No difficulties have been identified with law in the short time since its implementation.

More importantly, there bill creates triplicative taskforces. Maryland already has two well-funded and well-established Maryland brain trusts/bodies charged with studying the issues proposed under HB 430 – the Joint Legislative Committee on Cybersecurity, Information Technology, and Biotechnology (“Joint Legislative Committee on Cybersecurity”), reauthorized by the General Assembly in 2014; and the Maryland Cybersecurity Council, established last year with the Maryland Attorney General designated as chair. These two existing taskforces are charged with making policy and legislative recommendations addressed in HB 430. Creating a third task force creates duplicative efforts, redundant fact findings, and can result in conflicting conclusions, reports, and recommendations.

As demonstrated in ATTACHMENT 1 to this testimony, the Joint Legislative Committee on Cybersecurity has already exhibited its interests in and jurisdiction over Maryland public school issues. ATTACHMENT 1 includes the February 4, 2016 Agenda for the Joint Legislative Committee on Cybersecurity and the comprehensive “Preliminary Report on the State Education Technology Plan” submitted by the Maryland State Department of Education to the Joint Legislative Committee on Cybersecurity. The Joint Legislative Committee on Cybersecurity is already doing the work.

As demonstrated in ATTACHMENT 2 to this testimony, the Maryland Cybersecurity Council (compromised of the most decorated leaders in Maryland) is also an established repository for the efforts proposed in HB 430. ATTACHMENT 2 includes the agenda for the February 4, 2016 meeting of the Maryland Cybersecurity Council, the roster of the full Maryland Cybersecurity Council, and the roster of Maryland Cybersecurity Council subcommittees charged with advancing the legislatively mandated work of the Maryland Cybersecurity Council. The Maryland Cybersecurity Council is beginning to do the work and continues to get work from the General Assembly as evidenced by ATTACHMENT 3. ATTACHMENT 3 is a January 26, 2016 letter from the Senate Finance Committee to the Maryland Cybersecurity Chair, asking for direction on a bill introduced this session related to “personal information” as used in the context of data and the privacy of individuals.

Again, HB 430 triplicates existing bodies of work and is a solution looking for a problem. The Education, Health, and Environmental Affairs Committee is urged to give HB 430 an unfavorable report.

Sincerely,



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