

**Testimony of Andrea Mancuso, on behalf of the Maine Coalition to End Domestic Violence
IN SUPPORT of LD 1705: An Act to Give Consumers Control over Sensitive Personal Data by
Requiring Consumer Consent Prior to Collection of Data**

May 22, 2023

Senator Carney, Representative Moonen, and distinguished members of the Joint Standing Committee on Judiciary, I am writing on behalf of the Maine Coalition to End Domestic Violence (MCEDV)¹ in support of LD 1705, “An Act to Give Consumers Control over Sensitive Personal Data by Requiring Consumer Consent Prior to Collection of Data.”

Consumer privacy is important to all people in Maine, but especially crucial for survivors of domestic violence. Many survivors who manage to separate from the person harming them take steps to change their identities to protect themselves and their families. Maine has made strides in recent years to make it easier for survivors to change their name without alerting an abusive partner. It is also possible, albeit not easy, for survivors to change their social security numbers. But there is no protection in Maine law for survivors’ biometric identifiers: their faces, fingerprints, DNA, and retinas. These things are individual to each one of us and cannot be exchanged or changed if they are compromised by an abusive partner.

Survivors of domestic abuse and violence regularly face identity theft and are often put into situations where their abusers have access to or control over their most intimate information. LD 1705 would provide a measure of safety for survivors being stalked by their abusers, and it would give survivors back control over their most private and personal information. LD 1705 would require businesses to inform people about the businesses’ biometric collection practices, obtain written consent before collecting, and have processes in place to destroy biometric information that has been collected within a reasonable time. Crucially, it allows survivors to opt in, as opposed to forcing them to opt out, of collection of their biometric data.

¹ MCEDV represents a membership of victim service providers, including the regional domestic violence resource centers across Maine as well as the Immigrant Resource Center of Maine. Last year, our programs provided services to more than 12,000 survivors of domestic abuse and violence and their children in our state.

The proliferation of technology has opened doors to abusers to track their victims in scarier and more invasive ways. One example of this is companies that scrape images from the internet—from blog posts, Facebook, YouTube, etc.—and create searchable databases that allow customers to run a photo through the database using facial recognition technology to identify potential matches, along with names, addresses and phone numbers. One of the most egregious examples of these companies is Clearview AI, a secretive face surveillance company that claims to have amassed 10 billion faceprints from peoples' online photos across the world. Clearview makes its money selling access to those faceprints, and their location data, to anyone willing to pay.

It wasn't until groups representing survivors of domestic violence and sexual assault, immigrants, and people engaged in sex work sued Clearview AI for violating Illinois' biometric privacy act, that Clearview AI agreed to stop selling access to private actors. But Clearview AI is only one company. Many other companies offer the same services - services that can endanger Maine victims of domestic violence.

Without this bill's limitations on collecting, storing and disseminating biometric identifiers, companies are free to ignore the fact that this information can be misused to create dangerous situations and threats to people's lives. Technology has given well-heeled abusers unprecedented power to track and stalk survivors. Please give survivors control over their most personal information and prevent the misuse of technology that can further endanger your most vulnerable constituents.

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