

May 5, 2025



**Testimony of J.R. Kenny, Maine Alliance of Boys & Girls Clubs
In regard to LD 1088, An Act to Enact the Maine Consumer Data Privacy Act,
LD 1224, An Act to Comprehensively Protect Consumer Privacy and,
LD 1822, An Act to Enact the Maine Online Data Privacy Act**

On behalf of the **Maine Alliance of Boys & Girls Clubs** and the more than **8,000 youth we serve annually at 18 Club sites across Maine**, we appreciate the intent behind **LD 1088, LD 1224, and LD 1822** to enhance consumer data privacy protections in our state. However, we respectfully request that the committee carefully consider the impact these bills may have on nonprofit organizations, including Maine's Boys & Girls Clubs, and provide tailored provisions or exemptions to address our unique operational model and mission.

Boys & Girls Clubs operate within a federated model. Each Club is an independent 501(c)(3) organization, governed by its own board of directors, responsible for its own fundraising, and utilizing resources provided by **Boys & Girls Clubs of America (BGCA)** — including staff training, program curricula, strategic planning support, and data analysis tools. Like other nonprofit service providers, Boys & Girls Clubs collect limited personal information about youth members, families, staff, volunteers, and donors, and always with consent, solely for program delivery, safety, and reporting requirements to funders or for internal evaluation to improve services.

We have several concerns regarding the proposed legislation as currently drafted — specifically around compliance costs, data-sharing provisions, and applicability thresholds for nonprofit organizations. Every dollar that a youth-serving nonprofit like ours must devote to regulatory compliance is a dollar that cannot go toward feeding a child after school, providing academic support, or creating safe spaces for Maine kids during critical out-of-school hours. In other states where similar laws have passed, Boys & Girls Clubs have spent as much as **\$40,000 on legal and consultant fees** to navigate new requirements — a significant strain on already limited nonprofit resources.

Further, because of our **federated structure**, our local Clubs and BGCA would likely be classified as “third parties” under these bills, which could place burdensome restrictions on essential, mission-driven data sharing within our network. This limited, safeguarded sharing of de-identified or aggregated data between local Clubs and our national organization is critical for identifying statewide and national trends, securing grant funding, and continuously improving outcomes for the youth we serve.

Lastly, we note that **nonprofit organizations have historically been excluded from FTC consumer protection enforcement and exempt from most state consumer privacy laws**, given that nonprofits typically do not engage in commercial activity or data monetization. Nonprofits like ours collect only the data necessary to serve our mission and already adhere to strong ethical standards for safeguarding sensitive information.

Boys & Girls Clubs of Southern Maine • Boys & Girls Clubs of Kennebec Valley
Boys & Girls Clubs of Border Towns • Boys & Girls Clubs of Greater Waterville
Boys & Girls Clubs of Bangor

In closing, the Maine Alliance of Boys & Girls Clubs respectfully requests that the committee:

1. **Increase the applicability threshold for nonprofits** to align with other state laws and recognize operational scale — for example, raising the threshold to **100,000 consumers annually**.
2. **Push back enactment dates** for nonprofit organizations to allow time for compliance planning and cost management.
3. **Provide clear guidance and exemptions for nonprofit organizations**, especially those that operate under federated models like ours, to avoid unintended limitations on internal, mission-critical data sharing.

We strongly support efforts to protect the privacy of Maine families — including the thousands of youth and families we serve each year — and believe that thoughtful adjustments to these bills can achieve that goal while safeguarding the ability of nonprofit organizations to continue serving their communities effectively.

Thank you for your time and consideration.

J.R. Kenny
Lead Director, Government Relations
Maine Alliance of Boys & Girls Clubs
Boys & Girls Clubs of America
770-596-1183
jrkenny@bgca.org