

In Support of LD 1822 — An Act to Enact the Maine Online Data Privacy Act Before the Joint Standing Committee on Judiciary

Testimony of John Brautigam, Esq. for Legal Services for Maine Elders Joint Standing Committee on Judiciary

May 13, 2025

Senator Carney, Representative Kuhn, and members of the Joint Standing Committee on Judiciary:

My name is John Brautigam, and I offer this belated testimony on behalf of Legal Services for Maine Elders. LSE provides free legal help for Mainers aged 60 and older when their basic human needs are at stake.

We are living through a moment of profound transformation in our digital ecosystem. The ways we interact, access services, and share personal information have shifted dramatically — and often invisibly — to online platforms, apps, and data-driven systems. In this new environment, vast quantities of personal data are routinely collected, shared, and monetized, frequently without the full understanding or consent of the individuals to whom that data belongs. This transition is occurring faster than many legal frameworks can respond, and in the absence of meaningful protections, consumers — particularly vulnerable individuals — are exposed to serious risks. LD 1822 represents a thoughtful and urgent response to this reality, ensuring that Maine residents, including older adults, are not left behind in the digital age.

Protecting Older Mainers from Digital Exploitation

Older Maine residents are disproportionately targeted by online scams, fraudulent marketing schemes, and predatory data practices. These threats have grown more sophisticated as personal information has become a valuable — and easily traded — commodity in the unregulated corners of the digital economy.

LD 1822 takes meaningful steps to push back against that trend:

• By **limiting the collection of sensitive data** to what is strictly necessary for a requested service, the bill closes off avenues by which malicious actors can gather and exploit highly personal information such as health status, biometric identifiers, or financial account access.

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- By prohibiting the sale of sensitive data altogether, and by barring the use of personal data for discriminatory purposes, the bill addresses structural risks that have emerged from the widespread and largely opaque collection of consumer data.
- By empowering consumers with rights to access, correct, delete, and control their personal information, LD 1822 gives older Mainers new tools to protect their dignity, safety, and autonomy in an increasingly complex digital world.

Addressing Risks Unique to Aging Populations

LD 1822 is especially significant for older adults living with physical or cognitive impairments, or those who have been victims of crimes — including financial exploitation, which remains one of the fastest-growing forms of elder abuse.

In a digital environment where data can be captured and analyzed without a person ever clicking a button or filling out a form, the need for legal protections is no longer optional — it is essential.

The bill's **definition of sensitive data** includes precisely the types of information that older adults most need to keep private: mental or physical health conditions, crime victim status, and precise geolocation data.

The prohibition on **geofencing near medical facilities** is particularly commendable. It helps shield consumers — including older adults seeking care — from being tracked, profiled, or manipulated based on their presence at health care locations. As digital surveillance technologies advance, this kind of forward-looking legal boundary is vital.

Implementation and Accessibility Considerations

We appreciate that LD 1822 is carefully crafted to balance meaningful privacy protections with reasonable business obligations. But for these rights to be truly effective in practice — especially for older Mainers — attention must be given to accessibility, equity, and enforcement.

As the Attorney General implements and oversees enforcement of this law, we respectfully encourage the following:

- That **public education efforts** include accessible materials for older residents who may not be digitally fluent, including written guides, printed notices, or outreach through community-based organizations.
- That regulators consider **clarifying procedures** for legally authorized representatives such as individuals with powers of attorney or guardianship to exercise a consumer's rights under the Act, especially for those with diminished capacity.
- That enforcement prioritize cases where vulnerable consumers, including older adults, are at the greatest risk of harm from misuse or sale of their data.

Conclusion

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LD 1822 is a forward-looking, thoughtful framework that puts privacy and dignity back in the hands of Maine residents. It recognizes that we are no longer living in a world where privacy can be assumed — and that responsible, rights-based legal frameworks are needed to restore balance and trust.

For older Mainers — who are too often targeted, overlooked, or left behind by fast-changing digital systems — this bill provides critical safeguards and long-overdue protections.

On behalf of LSE and the older people we serve across the state, I respectfully urge the Committee to vote **Ought to Pass** on LD 1822.

Thank you.