



**Testimony of the
Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations**

In Support of

**LD 1705, “An Act to Give Consumers Control over Sensitive Personal Data by
Requiring Consumer Consent Prior to Collection of Data”**

Monday, May 22, 2023

Senator Carney, Representative Moonen, and honorable members of the Joint Standing Committee on Judiciary. My name is Morgan Pottle Urquhart, I live in Bangor, and I am the Policy and Communications Director of the Permanent Commission on the Status of Racial, Indigenous, and Tribal Populations. I am honored to offer testimony in support of LD 1705, “An Act to Give Consumers Control over Sensitive Personal Data by Requiring Consumer Consent Prior to Collection of Data.” We extend deep gratitude to Representative Maggie O’Neil for introducing this bill.

The Permanent Commission was established in 2019 as an independent entity with a mission to examine racial disparities across all systems and to specifically work at improving the status and outcomes for historically disadvantaged racial, Indigenous, and tribal populations in the state. The Permanent Commission is empowered by statute to advise and consult with all three branches of state government, as well as submit legislation. Occupying a unique position in state government, the Permanent Commission represents a broad cross section of people most impacted by racial harm and colonization who have been excluded from policy making throughout Maine’s history.

We live in a world defined by constantly evolving technologies. As the last three years have underscored, data and technology have the power to bring us closer together and help us accomplish more in our day-to-day lives. In the wrong hands, data can and have been used to exclude and oppress people. No matter who we are or what we look like, we all want to live in a world where we have control over our own privacy and data, and can decide for ourselves who has access to it and how they use it.

History has shown us that data and the use of it is not neutral—it has too often reinforced inequality and perpetuated injustice. We know that the practice of redlining¹ to exclude Black and African American families from the American dream of homeownership was a data-driven exercise through historic race-based exclusionary tactics in real estate and other key financial

¹ Jackson, Candace. “What is Redlining?” New York Times, 2021.
<https://www.nytimes.com/2021/08/17/realestate/what-is-redlining.html>

services. We also know that facial recognition technologies have serious flaws that disproportionately impact people of color—face surveillance algorithms tend to be worse at accurately analyzing the faces of darker-skinned people, women, the elderly, and children. Simply put: The technology is dangerous when it works — and when it doesn't. The burdens of biometric surveillance fall heavily to Black, Brown, and immigrant communities, and without intentional intervention, the biometric technologies of today pose the same risks of repeating and exacerbating the inequalities that hold us all back.

We can all agree data should be used for good, not as a weapon used by private entities to sell, trade, or otherwise profit off our biometric identifiers through practices like service or price discrimination. As the use of biometric surveillance technology emerges, we must take steps to rein in its use and create guardrails that protect us. This legislation is an important step in not only protecting our civil liberties, but also helping root out systemic racism and stopping corporate interests from hijacking our private information for profit without our express consent.

Thank you for your time and consideration of this bill. We respectfully urge you to support LD 1705. I am happy to answer any questions, or provide additional information if desired.