Maryland Online Data Privacy Act of 2024  
*Bill to protect Maryland children’s, and all consumers’, online data and privacy - SUPPORT*

HB0567 and SB0541, authored by Delegate Love and Senator Gile

What does the Maryland Online Data Privacy Act do? The Act would give Maryland consumers, and especially kids and teens, more control over their personal data. The Act prohibits and limits the collection of personal data “for the sole purpose of content personalization or marketing” without user consent, and bans outright the sale of data from users under 13 years old. This ensures that consumers and kids are protected from having their online data processed and monetized. The Act also prevents companies from pretending they don’t have kids on their sites by covering platforms that “know or should know” that a user is under 18, stopping companies from pleading ignorance concerning their use of kids’ data.

And the Act fills a gap in the 25-year-old and out of date federal privacy law, the Children's Online Privacy Protection Act (COPPA), by protecting teens (ages 13-18), who are not covered today. Common Sense testified before the legislature in favor of this bill.

Why do Marylanders need this law? First, concerns about internet privacy are widespread and growing—as many as 71% of Americans are worried about how companies are using their personal data, while 89% are somewhat or very concerned about social media companies collecting data about kids.

Second, data privacy is particularly needed for kids and teens. Our research shows that kids’ internet usage is at an all-time high. Teens spend an average of 4.5 hours per day on their phones, with about a quarter of them spending as much as 5-8 hours in front of screens every day. Teens and kids are more susceptible than older users to targeted ads and to data mining. Research suggests that teens are less able to identify targeted ads than adults, and in many cases, don’t fully understand that features like algorithmic personalization require large amounts of their data to function properly. By the time a child reaches 13, online advertisers have collected an astonishing 72 million data points about them. As a result, teens and kids are being surveilled by platforms and having their behavior tracked, packaged, and sold to third-parties at an alarming rate.

And third, there is no federal comprehensive data privacy law, and the federal children’s data privacy law is older than Facebook, Instagram, Snapchat, TikTok, and other platforms that kids and teens use daily. Consumer protections have not kept pace with internet innovations. States are picking up the slack. As of this writing, 13 states have passed comprehensive data privacy bills while at least 20 more have proposed bills to strengthen kids’ data privacy protections. Maryland’s kids and families also deserve strong data privacy protections.

How will this law be enforced? The Maryland Attorney General will enforce the law. The law would apply to companies that produce services or products that are targeted to Marylanders and that control or process the personal data of at least 35,000 consumers, or companies handling the data of at least 10,000 consumers and receiving more than 20% gross revenue from selling it.