



**TESTIMONY SUBMITTED BY
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THE AMERICAN CIVIL LIBERTIES UNION OF PENNSYLVANIA
TO THE HOUSE TRANSPORTATION COMMITTEE
PUBLIC HEARING ON HOUSE BILL 279**

August 11, 2021

Good morning members of the Transportation Committee. Thank you for inviting me to testify.

My name is Muneeba Talukder and I'm an attorney with the ACLU of Pennsylvania. The ACLU of Pennsylvania works to protect and advance the rights of all. Given that the protections afforded under the Constitution apply to everyone, including immigrants, part of the work we do is to advance and protect the rights of noncitizens. This is why we are a part of the Driving PA Forward Coalition. We recognize that driver's licenses and state identification are an essential part of navigating everyday life and believe that it is critical that all Pennsylvanians have access to them.

Apart from making sure all Pennsylvanians, regardless of their immigration status, have the opportunity to seek a driver's license or identification card from PennDOT, we also believe it is critical that everyone's personal identifying information is protected. In this digital age, our personal information is a commodity and current law lacks sufficient privacy protections for Pennsylvanians who obtain drivers' licenses or identification cards. This legislature has in the past worked diligently to ensure that the information of constituents is better protected through their efforts against REAL ID and other federal policy that would compromise the economic and biometric privacy of residents of the Commonwealth. The legislature has also worked to limit the ability of state agencies to collect biometric data from PA residents. We hope that this same support is shown for HB 279 as it addresses grave privacy concerns.

I want to highlight some of the ways in which the privacy of Pennsylvanians is currently compromised:

- Right now when an individual applies for a driver's license or identification card, copies of their identification and residency documents can be kept indefinitely. These records contain highly sensitive information that is unrelated to a person's driving history. This creates a bounty of information that could be vulnerable to a security breach and is especially problematic because there is no transparent process by which requests for driver information is evaluated.
- Outside agencies also have access to sensitive information through law enforcement databases like JNET and CLEAN. Photos of ID seekers populate these databases to be used in facial recognition software--which we know to be deeply flawed and rife with racial and gender disparities.¹ Also, federal agencies like ICE currently have access to these databases even though they are only supposed to be accessible by law enforcement agencies, which ICE is not.

¹ <https://www.aclu.org/news/privacy-technology/biden-must-halt-face-recognition-technology-to-advance-racial-equity/>

- Although data brokers are prohibited from selling information to third parties, audits have revealed that data brokers that have access to information have broken agreements with PennDOT and sold information to third parties.

Strong privacy protections build trust in our government and remove barriers to accessing necessary government services. Lack of privacy protections have negative consequences for the most marginalized in our communities. Other states that lack robust privacy protections have seen their driver information used against their own residents with destructive consequences. In response, New Jersey and New York recently enacted strong protections for driver privacy. Pennsylvania must strive to do the same.

I urge the transportation committee to support this bill as it would add a host of crucial protections for driver data, including:

- Requiring consent or a judicial warrant before releasing personal information about drivers and identification card holders;
- Creating a common-sense approach to processing identification documents without indefinitely retaining personal information and making PA residents vulnerable to having their information used without their consent; and
- Establishing stronger requirements barring agencies from sharing information to third parties.

As a civil rights attorney, a Pennsylvania resident and an immigrant, I want to ensure that my privacy and the privacy of my neighbors and community is protected. It is not acceptable for our information to be sold and shared with federal agencies without our permission or without proper safeguards. We must take immediate action to protect the personal information for all Pennsylvania drivers and identification card holders.

As you've heard from other community members today, this move would be a win for the state's economy, for our families who are navigating this financial crisis, for the privacy and integrity of our licensing system, for all Pennsylvanians and especially for immigrant communities. That is why we urge the House Transportation committee to advance HB 279.

Thank you for your time.