

Senate Judiciary Committee

Pete Mulvey 271-4063

HB 522-FN, relative to the expectation of privacy in personal information maintained by the state.

Hearing Date: April 8, 2025

Time Opened: 2:46 p.m.

Time Closed: 3:00 p.m.

Members of the Committee Present: Senators Gannon, Abbas, Altschiller and Reardon

Members of the Committee Absent : Senator McConkey

Bill Analysis: This bill establishes an expectation of privacy in personal information maintained by the state.

Sponsors:

Rep. Erf

Rep. Lynn

Sen. Lang

Who supports the bill: 15 individuals signed in support of HB 522-FN. Contact peter.mulvey@gc.nh.gov for further details.

Who opposes the bill: 13 individuals signed in opposition to HB 522-FN. Contact peter.mulvey@gc.nh.gov for further details.

Who is neutral on the bill: N/A

Summary of testimony:

Representative Keith Erf

Hillsborough – District 28

- HB 522-FN precluded the Government from creating or maintaining databases of personal information beyond their legal requirements to do so.
- HB 522 was consistent with the State's constitutional right to privacy.
- HB 522 provided clear definitions developed over several years.
- Page one, line 26 clearly stated that unless authorized by statute, no government entity shall acquire, collect, retain or use any personal information of any individual residing in New Hampshire from any third-party provider.
- Emergencies involving immediate danger or death were excluded from the bill.
- Information collected for regulatory enforcement, or collected via subpoena or warrant are excluded as well.
- An individual may grant permission to the state or the government to collect their information for a specific purpose.
- HB 522 did not create a cause of action against a non-government entity.

- Federal law preempted any provision in HB 522.
- Biometric data prohibitions are extended in HB 522 as well.
- The constitutional right to privacy ought to be enumerated and elaborated upon in statute.
- Sen. Abbas asked for an example where the government stored identifiable information without any right or law saying they could do so. Sen. Abbas speculated that such a scenario would be ‘off-the-books’ and discreet.
 - Rep. Erf maintained that computers were ubiquitous, and nothing precluded the state from trying to collect information in such a way.
 - Massive databases were everywhere. Who knew what could be done.
- Sen. Altschiller asked how HB 522 would apply to a school regarding vaccinations.
 - Rep. Erf asked if schools were statutorily enabled to collect personal information.
- Sen. Altschiller was uncertain if schools were enabled to do so in rules or statute and asked Rep. Erf if his bill also considered rules in addition to statute.
 - Rep. Erf believed that it would apply and consider rules as well.
- Sen. Altschiller asked if the law would be strictly applied at the municipal level and contemplated the consequences regarding data collected for programming and services.
 - Rep. Erf clarified that if the information is collected for temporary purposes, as opposed to the construction of a longitudinal database, it should be permissible.

Neal Kurk

Former Representative, Hillsborough District 2

- HB 522-FN applied to the government only, and did not apply to the private sector.
- HB 522 did not expand or shrink government activity with respect to personal data.
- Any further expansion would require legislative authority. According to line 26 of the first page, statutory authority is required.
- HB 522 is relatively innocuous yet prevents further intrusions into personal data.

Representative Bob Lynn

Rockingham – District 25

- HB 522 does not preclude the government from engaging in legitimate business.
- While there is no indication of nefarious collecting on behalf of state agencies, it was sensible to provide protection in statute, nonetheless.
- Rep. Lynn recalled the federal government’s COINTELPRO operation to collect information on Civil Rights and Anti-War leaders in the mid-late 20th century.

PM

Date Hearing Report completed: April 10, 2025