Meeting Minutes
Subcommittee on Individual Digital Rights, Trustworthy AI, and Cyber Crime
February 13, 2026
Virtual Meeting
10:00 am – 11:00 am

Member Attendance (5/5)
Markus Rauschecker (acting chair), Howard Barr, Alan Butler, Dr. Jen Golberg, and Blair Levin

Staff Attendance
Dr. Greg von Lehmen (University of Maryland Global Campus, assigned staff to the Maryland Cybersecurity Council)

Meeting Minutes
1. Mr. Rauschecker welcomed the members and announced that he would chair the present meeting as a temporary measure. Mr. Moulsdale had indicated that it was necessary to cut back on his commitments and decided to withdraw from the Council. Mr. Rauschecker observed that Mr. Moulsdale had been active on the Council since he joined two years ago and thanked him for his engagement.
2. Since Dr. Golberg is new to the subcommittee, Mr. Rauschecker asked her to introduce herself which she obliged with brief remarks about her research at the University of Maryland and her role as a public intellectual on topics of interest to the Council.
3. Mr. Rauschecker confirmed that a quorum was present and asked for a discussion of the draft minutes of the January 30 meeting. There being no objections, the minutes were approved as provided.
4. He then turned to old business, recapping the February 13 meeting and asking for the members to approve the policy issues that they believe the subcommittee should pursue from the list generated at the last meeting.
   a. *Proposed: Exploring the case for a global option for Maryland residents to exercise their rights under the 2024 Maryland Online Data Privacy Act with respect to data brokers.* It was noted that SB 616/HB 1220 sponsored by Senator Hester and Delegate Solomon provides for a data broker registry but not a global option for residents to exercise their rights with respect to brokers. Mr. Butler pointed out that California has created the infrastructure to implement a global option under its own consumer data privacy laws, obviating the need to recreate the wheel. Mr. Butler expressed a willingness to broker a meeting of the subcommittee with government staff in California on this topic.

      On the question called by the chair and with no objections, the subcommittee agreed to explore the feasibility of offering a global option to Maryland residents and to use its findings to support an appropriate recommendation.

b. *Proposed: research aimed at chatbots, theirs uses, and issues implicating all elements of the subcommittee's focus (digital rights, trustworthy AI, and cyber crime).* Mr. Butler and other members of the subcommittee noted that EPIC's model state bill on chatbots is substantially reflected in SB 827/HB 1250 (Consumer Protection and Product Liability - Chatbots.), sponsored by Senator Hester and Delegate Qi now pending in the General Assembly. However, this bill does not exhaust the spectrum of issues raised by chatbots.

On the question called by the chair with no objections, the subcommittee agreed to explore the policy issues around chatbots and use its findings to support appropriate recommendations.

c. *Proposed: research into issues posed not only by nonconsensual deepfakes but also consensual deepfakes that make false claims with a view to making appropriate recommendations.*

Regarding nonconsensual deepfakes, Dr. Golberg mentioned that she is an expert witness in a California case and would be willing to share what she could in connection with the issue. She also drew the subcommittee's attention to the AI Incident Database as a relevant source of information. Mr. Butler noted that EPIC's Age Appropriate Design Code might also be relevant.

Mr. Webster observed that consensual deepfakes making false claims are equally of concern precisely because of their misleading character. These should be viewed as forgeries not entitled to Frist Amendment protection. Further, he argued that penalties should apply not only to the creators of consensual deepfakes that make false claims but to those downstream who knowingly share the deepfakes causing harms. Mr. Levin noted that defining harms for nonconsensual deepfakes has a history. He asked how downstream 'harms' would be defined for consensual deepfakes. He was not so much making an argument against the principle of regulation but thought it could be an enforcement problem.

Mr. Butler stated he would be reach out to Dr. Anne Franks at George Washington Law School on the issues. He remarked that considerable attention has been given to deepfakes and how to solve the problem at scale. Watermarking is one example. With respect to the fundamental question about the possible relation of consensual deepfakes and the First Amendment, he noted that any regulation might run into constitutional objection. He pointed to US v Alvarez (567 US 709) in which the US Supreme Court struck down an act of Congress that penalized false claims about military honors by veterans as a violation of the First Amendment.

On the question called by the chair with no objections, the subcommittee agreed to explore the policy issues around nonconsensual and consensual deepfakes and to use its findings to support appropriate recommendations.

d. *Proposed: recommend some action to highlight automated sharing of drivers'
    license data with the federal government after further research.*

    Mr. Rauschecker noted that traditionally the Council has taken a strategic
    approach to issues and goes through a process or research or discovery to support
    broader recommendations or actions that aim at root causes. Mr. Butler noted that
    the issue is a serious one that has been raised by Senator Wyden and that simply
    to ask the question can be valuable. Mr. Levin expressed a desire for the
    subcommittee to take some action to highlight the distrust of the federal
    government and its use of data since DOGE; that the subcommittee should distill
    conditions that should govern State data-sharing with the federal government.

    On the question called by the chair with no objections, the subcommittee agreed
    to consider the issue of State data sharing in general with the federal government
    and to use its findings to support appropriate recommendations.

5. Mr. Rauschecker apologized that he had to leave for another appointment and asked Dr.
    von Lehmen to close out the meeting. Dr. von Lehmen asked the members whether the
    agenda for the next meeting should be to operationalize how the research for these issues
    is to be done. Mr. Butler noted that likely all four issues cannot be pursued at the same
    time, and that it will be necessary to prioritize them. The members agreed and asked that
    the next meeting be arranged as soon as a quorum can be assembled.

By general assent, the meeting was adjourned at 11:05 pm.

[These minutes were unanimously approved by the subcommittee at its March 6, 2026, meeting.]