

2SSB 6281 - H AMD TO ITED COMM AMD (H-5242.1/20) **2152**

By Representative Smith

NOT ADOPTED 03/06/2020

1 On page 17, line 20 of the striking amendment, after "data."
2 insert "(a)"

3
4 On page 17, line 26 of the striking amendment, after
5 "requirements." insert "Each person has an absolute privacy right in
6 the person's biometric identifiers.

7 (b)(i) The office of the attorney general, in consultation with
8 the office of privacy and data protection, must convene a task force
9 to examine the issues related to infringement by biometric
10 surveillance technology on the biometric identifiers privacy rights
11 guaranteed in (a) of this subsection, including:

12 (A) The use of affirmative consent for collection of biometric
13 data;

14 (B) Requiring clear purposes for which biometric data is
15 collected and limiting collection to those purposes;

16 (C) The ability of a consumer to withdraw consent and obtain
17 deletion of all biometric data of the consumer; and

18 (D) Imposing on entities that collect biometric data the duties
19 to protect, secure, and prevent misuse of biometric data.

20 (ii) The majority of the task force members must be
21 representatives of organizations that advocate for civil liberties,
22 consumer rights, and privacy protections. The task force must also
23 include a data ethics expert and a representative from a statewide
24 organization that represents law enforcement agencies.

25 (iii) By December 1, 2021, the attorney general must submit to
26 the relevant committees of the legislature a report that summarizes
27 the findings of the task force. The report must include for

1 consideration and possible adoption by the legislature
2 recommendations regarding legal remedies to provide justice for
3 those whose biometric privacy rights are violated.

4 (c) For purposes of this subsection (7):

5 (i) "Biometric identifier" means any information, regardless of
6 how it is captured, converted, stored, or shared, based on
7 biological, physiological, or behavioral traits that are uniquely
8 attributable to a single individual.

9 (ii) "Biometric surveillance technology" means any technology
10 or process capable of collecting, capturing, or replicating a
11 biometric identifier."

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EFFECT: Declares that each person has an absolute privacy right in
the person's biometric identifiers. Directs the Attorney
General, in consultation with the Office of Privacy and Data
Protection, to convene a task force to examine issues related to
infringement of biometric identifier privacy rights by biometric
surveillance technology.

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