6281-S2 AMH SMIN REIN 305

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

By Representative Smith

**NOT ADOPTED 03/06/2020**

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

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

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

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

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

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

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

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

(iii) By December 1, 2021, the attorney general must submit to the relevant committees of the legislature a report that summarizes the findings of the task force. The report must include for consideration and possible adoption by the legislature recommendations regarding legal remedies to provide justice for those whose biometric privacy rights are violated.

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

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

(ii) "Biometric surveillance technology" means any technology or process capable of collecting, capturing, or replicating a 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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