

## **SB 190 - Frequently Asked Questions**

### **What are other states doing regarding the collection of biometric data?**

In 2008, our office requested a research report asking which states have legislation preventing the collection of a person's biometric data, such as fingerprints or DNA, for purposes other than law enforcement.

We received a comprehensive list of states that have laws prohibiting genetic discrimination in employment, prohibiting employers from requesting or requiring genetic information, prohibiting employers from performing genetic testing, and similar situations. In all, the researcher identified through the NCSL employment laws in 36 jurisdictions.

When it comes to non-genetic biometric information, the researcher identified 33 states which have some form of legislation, which includes a wide range of topic from prohibiting the use of lie detectors by anyone except peace officers in California, to requiring the Commissioner of Health and Social Services to examine the use of biometric identifiers for recipients of public assistance.

Among some of the more notable laws are Indiana, which prohibits the collection of personal information, including voice prints, by state agencies to that which is relevant and necessary to accomplish a statutory purpose; and New Hampshire which prohibits the collection of "biometric data" in connection with motor vehicle licensing.

Other states such as Oregon, require those who apply for a drivers license to submit to the collection of biometric data.

Essentially, all states which have laws regarding DNA tend to protect that information at least for employment purposes, but the states are all over the map when it come to other biometric information.

### **What About the Federal Government?**

You will also find on page 2 of the document in your packet titled Biometrics: Who's Watching You? By the EFF there is a description of some of the federal initiatives involving the Biometrics. The most recent of which are the USA Patriot Act, which requires the use of biometric technology to identify foreign visitors; and the Enhanced Border and Visa Entry reform act of 2002, which is specific to border crossings.