

# LEGAL SERVICES

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## MEMORANDUM

January 17, 2012

**SUBJECT:** CSSB 98(JUD) relating to biometric information  
(Work Order No. 27-LS0661\R)

**TO:** Senator Bill Wielechowski  
Attn: Samuel Gottstein

**FROM:**  Terry Bannister  
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

**Section 1.** Adds a new chapter, AS 18.14, relating to biometric information.

Sec. 18.14.010(a) prohibits a person from collecting another person's biometric information unless the person first notifies the individual about the collection and receives the individual's full consent. The notification must indicate the specific purpose for which the information will be used and how long it will be kept. The consent may be written, electronic, or in another form that can be documented.

Sec. 18.14.010(b) allows an individual to revoke or amend consent at any time, unless the information was needed for a specific authorized law enforcement, security, or fraud prevention purpose.

Sec. 18.14.020(a) prohibits a collector and the collector's contractor from disclosing, transferring, or distributing an individual's biometric information, except to a contractor or to a person to authenticate the individual's identity.

Sec. 18.14.020(b) limits the disclosures, transfers, and distributions under (a) to the original purpose for which the information was collected.

Sec. 18.14.030 prohibits a person from selling biometric information. But does allow a contractor to sell the contractor's business and transfer the biometric information to the buyer.

Sec. 18.14.040 allows an individual to provide alternate identification to a person administering an occupational examination that requires identifying biometric information, if the alternate identification is acceptable to the person.

Sec. 18.14.050(a) requires a collector to remove an individual's biometric information from databases and storage systems and destroy the information within 120 days when the information is no longer needed or an individual requests the destruction in writing. This requirement is subject to other laws and court orders prohibiting the removal and destruction.

Sec. 18.14.050(b) directs the collector to notify the collector's contractor within 30 days that the collector must remove and destroy the information under this section.

Sec. 18.14.060 prohibits a collector from using biometric information for marketing or general surveillance purposes. But does allow a collector to use the information for a specific authorized security or fraud prevention purpose in addition to the specific purpose for which the information was collected.

Sec. 18.14.070 directs a collector and a contractor to store biometric information in a secure manner.

Sec. 18.14.080(a) allows an individual (except as provided in (b)) to bring a civil action for damages and a penalty against a person who knowingly violates this chapter. Increases the penalty if the violation resulted in profit or monetary gain.

Sec. 18.14.080(b) prohibits an action for damages and penalties against the state, state agencies, or officers or employees of the state or state agencies, for violations of or other claims under this chapter.

Sec. 18.14.085 lists certain exemptions from the chapter. Also removes from the chapter's coverage the retention of voices recorded for quality assurance purposes.

Sec. 18.14.090 defines terms for the chapter.

If I may be of further assistance, please advise.

TLB:ljw

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