

# Fiscal Note

State of Alaska  
2018 Legislative Session

Bill Version: HB 328  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB328-LAW-CIV-03-16-18  
Title: BIOMETRIC/GEOLOCATION INFO/TRADE  
PRACTICE  
Sponsor: CLAMAN  
Requester: House Judiciary

Department: Department of Law  
Appropriation: Civil Division  
Allocation: Commercial and Fair Business  
OMB Component Number: 2717

## Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2019 Appropriation Requested	Included in Governor's FY2019 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2019	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Fund Source (Operating Only)

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Positions

Full-time							
Part-time							
Temporary							

## Change in Revenues

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Estimated SUPPLEMENTAL (FY2018) cost:** 0.0 (separate supplemental appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**Estimated CAPITAL (FY2019) cost:** 0.0 (separate capital appropriation required)  
(discuss reasons and fund source(s) in analysis section)

## ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

## Why this fiscal note differs from previous version/comments:

Not applicable, initial version.

Prepared By: Valerie Rose, Budget Analyst  
Division: Administrative Services Division  
Approved By: Jahna Lindemuth, Attorney General  
Agency: Department of Law

Phone: (907)465-3674  
Date: 03/16/2018 10:53 AM  
Date: 03/16/18

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2018 LEGISLATIVE SESSION

BILL NO. HB 328

### Analysis

HB 328 would establish a new article in AS 18.13, genetic privacy, that puts restrictions on the use of biometric data. A person who collects biometric data must notify the individual in a clear manner of the collection and specific purpose for which the biometric information will be used. The bill would add provisions related to the disclosure, sale, use, and storage of biometric information. In addition, the bill allows a person to bring a civil action against a person who intentionally violates the provisions on the collection and use of biometric information. The bill exempts collection of biometric information for (1) law enforcement purposes, (2) if allowed under state and federal law, (3) for issuance of state identification cards and other identification purposes, such as driver's licenses, photographs (unless collected for use in a biometric system) or voice recordings retained for quality assurance.

The bill adds provisions on the collection, use, storage, and disclosure of geolocation information to AS 45.48 which governs competitive practices and consumer protection. New AS 45.48.800 would prohibit a private person from collecting, using, storing, or disclosing biometric information on a person's individual mobile electronic device unless the private person provides the individual written notice and the individual consents to the disclosure. Both the requirements for notice, and exemptions from the need for notice, would be set out in statute. A violation of the requirements for collection, use, storage, and disclosure of geolocation information would be actionable as an unfair or deceptive act under AS 45.48.850; under that new statute the individual could recover liquidated damages of \$1,000 or actual damages, whichever is greater, and other relief the court deems appropriate. An individual could not bring a class action for violation of AS 45.48.800 – 45.48.880.

Sec. 3 of the bill makes a violation of geolocation information an unfair or deceptive practice under AS 45.50.471, which would allow the Department of Law to investigate and bring an action for injunctive relief and civil penalties. This would also allow private consumers to bring a civil action to recover treble damages or \$500, whichever is greater, and other relief a court considers necessary and proper.

The department expects a limited increase in work but would expect it could be absorbed into existing resources.