



# Alaska State Legislature

## Representative Matt Claman

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### House Bill 328 Sectional Analysis—Version A

#### **Section 1**

*Adds new sections to AS 18.13:*

Requires that, before collecting an individual's biometric data, the collector notify the individual that the data is being collected, the purpose for which it is being collected, and the length of time for which it will be stored; and receives the individual's consent to these terms, which the individual can revoke or amend at any time. The collector may only disclose biometric information to the collector's contractor or for the purpose of authenticating the identity of the individual providing the information and may only disclose the information for the original purpose the individual consented to or for a fraud prevention purpose. Collectors may not sell biometric information. When the biometric information is no longer needed, it must be removed from all databases and destroyed within 120 days. Persons found to have intentionally violated any of these requirements are liable for \$1,000 except in cases where the violation resulted in profit in which case the penalty is \$5,000. Exemptions to these collection, retention, and disclosure requirements include biometric information used for law enforcement purposes, biometric information authorized by state or federal law, facial images for state IDs, photographs, and voices recorded for quality assurance purposes.

#### **Section 2**

*Adds new sections to AS 45.48:*

Requires that, prior to collecting, using, storing, or disclosing an individual's geolocation information, a person notify the individual that the information will be collected and the purpose for which it will be collected, provide an easy online means for accessing the information collected, and obtain express consent to the disclosure. Exceptions to this include situations where a private person collects its own geolocation information, a parent is attempting to locate a child, a court-appointed guardian is attempting to locate an incapacitated person, and a person is attempting to provide emergency services; and entities including utilities that furnish telecommunications services, health care providers subject to P.L. 104-191, and financial institutions subject to 15 U.S.C 6801-6809. Persons found to have intentionally violated any of these requirements are liable for \$1,000 or the total value of the damages incurred, whichever amount is greater, and any other relief the court deems appropriate.

#### **Section 3**

Amends AS 45.50.471 (b) to include violation of geolocation information protection under the terms "unfair methods of competition" and "unfair or deceptive acts or practices."

#### **Section 4**

Applies sections added to AS 45.48 under Section 2 of this bill to contracts entered into on or after the effective date of this Act.

#### **Section 5**

Replaces "this chapter" with "AS 18.13.010 – 18.13.100" whenever it appears in AS 18.13.010 – 18.13.100 which relates to genetic testing privacy.