



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

HB 307
Commercial Law – Consumer Protection – Biometric Identifiers and Biometric Information Privacy

Chair Davis, Vice Chair Dumais, members of the Economic Matters Committee. Thank you for your consideration of HB 307, which would put in place protections of our biometric identifiers.

Our current law includes biometric information as part of the definition of ‘personal information.’ Our Personal Information Protection Act, or MPIPA states that a business that owns maintains or licenses this information needs to have reasonable security procedures, and that it must notify individuals if there is a breach.

HB 307 takes the next step in protecting this very personal information. HB 307 provides that:

- 1) Each company in possession of biometric identifiers must develop a written policy establishing a retention schedule and guidelines for destroying the biometric identifiers.
- 2) The identifiers must be destroyed on the earlier of:
 - a. When the initial purpose for collecting the information has been satisfied; or
 - b. Within 3 years of the individual’s last interaction with the private entity in possession of the information.
- 3) A company may not collect biometric information unless it: informs the individual, in writing, that the company is collecting the information, what it is being used for and how long it will be stored, and receives a written consent.
- 4) A company may not sell this information; and
- 5) A company may not disclose this information unless it: receives consent, the disclosure is necessary to complete a financial transaction, is required by law or is required by a subpoena.

Collecting biometric identifiers is an area of exploding technological advances and many businesses use this technology. Here are just a few examples:

- The Baltimore Orioles uses fingerprint and iris scans as identification, allowing people to go to a “Clear Lane” and get to the front of the security line.¹
- The M&T Bank Stadium utilizes facial recognition in the form of a “Fan Mirror:” Fans stand in front of a large television screen that mirrors a tablet, which scans faces to add a face paint feature. In 2018, in-stadium cameras were installed to scan fans faces

¹ <https://technical.ly/baltimore/2019/04/04/the-orioles-are-bringing-biometric-id-company-clear-to-the-ballpark/>
This is the same technology TSA uses at airports.

throughout the stands and project the facepaint filter on the massive RavensVisions boards.²

- At a conference event at the Gaylord National Resort at National Harbor, approximately half of the 1,300+ attendees provided photos for facial recognition when registering online in order to shorten the check-in process.³
- Lowes admits to using facial recognition to combat shoplifting Target and Walmart have experimented with it but have refused to answer whether they currently use it.⁴
- In 2018, the CEO of the facial recognition software company FaceFirst, told BuzzFeed News that “hundreds of [retail] locations, growing to thousands very soon” have been outfitted with the company’s facial recognition software as part of their stores’ overall security systems.⁵
- Apple uses fingerprint scans for unlocking our phones. Their FaceID program allows someone to not only unlock their phone, but also to log into their online banking account.

Even my children’s dentist uses a type of facial recognition software so children can see themselves with funny face paint or animal ears/whiskers/eyes while waiting for their appointment.

There are few rules governing the collection, use and retention of biometric identifiers despite the explosion of technology gathering them. Illinois, Texas and Washington have laws like HB 307. I urge you to pass HB 307 so Marylanders have some control over the collection, use and distribution of this very personal data.

² <https://www.baltimoreravens.com/news/ravens-first-nfl-team-to-launch-augmented-reality-face-painting-19337141>

³ <https://www.pcma.org/facial-recognition-at-hotels-airports-and-conferences-raises-privacy-concerns/>

⁴ <https://www.cbinsights.com/research/facial-recognition-technology-us-corporations/> ;

<https://www.aclu.org/blog/privacy-technology/surveillance-technologies/are-stores-you-shop-secretly-using-face>.

⁵ <https://www.buzzfeednews.com/article/leticiamiranda/retail-companies-are-testing-out-facial-recognition-at>.