

A LOCAL LAW REQUIRING COMMERCIAL ESTABLISHMENTS TO NOTIFY CUSTOMERS OF THE USE OF BIOMETRIC IDENTIFICATION TECHNOLOGY

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ONONDAGA, AS FOLLOWS:

Section 1. This Local Law shall be entitled and known as “Biometric Data Collection Customer Transparency Law.”

Section 2. Purpose. The County of Onondaga recognizes that commercial establishments are increasing utilization of biometric identifier technologies for customer authentication and fraud prevention, amongst other things. The County also finds that biometric identifier information is uniquely sensitive because it is derived from a person’s physical or biological characteristics and may be difficult or impossible to replace if compromised. The County further finds that it is in the public interest for customers of commercial establishments in the County to receive notice when a business collects or uses biometric identifier information.

Section 3. Definitions.

- A. Biometric identifier information. A physiological or biological characteristic that is used by or on behalf of a commercial establishment, singly or in combination, to identify, or assist in identifying, an individual, including but not limited to: (i) a retina or iris scan, (ii) a fingerprint or voiceprint, (iii) a scan of a hand or face geometry, or (iv) any other identifying characteristic.
- B. Commercial establishments. Any person, firm, partnership, association, corporation, company, organization, or other entity that operates a place of business within Onondaga County and offers goods or services to the public, whether for profit or not for profit.
- C. Customer. Any purchaser or prospective purchaser of goods or services from a commercial establishment.
- D. Financial institution. A bank, trust company, national bank, savings bank, federal mutual savings bank, savings and loan association, federal savings and loan association, federal mutual savings and loan association, credit union, federal credit union, branch of a foreign banking corporation, public pension fund, retirement system, securities broker, securities dealer or firm, but does not include a commercial establishment whose primary business is the retail sale of goods and services to customers and provides financial services such as the issuance of credit cards or in-store financing to customers.

Section 4. Notice Required. Any commercial establishment that collects, retains, converts, stores, uses, or shares biometric identifier information of customers must disclose such

collection, retention, conversion, storage, use, or sharing, as applicable, by placing a clear and conspicuous sign disclosing such usage near all entrances to the commercial establishment.

Section 5. Sale Prohibited. It shall be unlawful for any commercial establishment to sell, trade, or share in exchange for value, or otherwise profit from the sale of its customers biometric identifier information.

Section 6. Government exemption. Nothing in this article shall apply to the collection, storage, sharing, or use of biometric identifier information by government agencies, employees, or agents acting within the scope of their government duties.

Exceptions. This Local Law shall not apply to financial institutions, or information collected for employment purposes.

Section 7. If any sentence, paragraph, or part of this Local Law shall be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby, and such provision shall be ineffective only to the extent of such invalidity, illegality, or unenforceability.

Section 8. This Local Law shall be filed pursuant to the provisions of Municipal Home Rule Law, and shall take effect ninety (90) days after filing with the Secretary of State.