

Collecting Student Biometric Information

This SSL draft is based on Arizona law. According to Arizona legislative staff, “Biometric technologies are those which automatically measure people’s physiological or behavioral characteristics. Examples include automatic fingerprint identification, iris and retina scanning, face recognition, and hand geometry. There are two approaches to recording an individual’s biometric characteristics. The first is to record a complete image of a face or a finger, as in a passport photograph or a fingerprint. The second is to take measurements that adequately capture the uniqueness of the source but do not capture a complete image and therefore do not allow the original to be reconstructed from the data. The second approach is the one that is typically being used in schools’ biometric technology systems, specifically in the implementation of school lunch programs.”

This draft Act prohibits school districts and charter schools from collecting a pupil’s biometric information without written permission from the pupil’s parent. The Act requires each school to provide written notice to the parents or guardians of pupils stating their intent to collect biometric information 30 days prior to the collection. It stipulates that the written notice must contain a statement informing the parent or guardian that they must give written permission before the school can collect biometric information from the pupil.

Submitted as:

Arizona

Chapter 189 of 2008

Status: Enacted into law in 2008.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as “An Act to Regulate Collecting Student
2 Biometric Information.”

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Section 2. [*Collecting Student Biometric Information.*]

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(A) A school in a school district or a charter school shall not collect biometric
6 information from a pupil unless the pupil's parent or guardian gives written permission to collect
7 biometric information from the pupil.

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(B) At least [thirty] days before a school in a school district or charter school will collect
9 biometric information, the school shall provide written notice to the parents and guardians of
10 pupils of the intent to collect biometric information. The notice shall include a statement in
11 eighteen point bold-faced capital letters that the parent or guardian must give written permission
12 to collect biometric information from the pupil before the school may collect biometric
13 information.

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(C) For the purposes of this section, "collect biometric information" means the
15 noninvasive electronic measurement and evaluation of any physical characteristics that are
16 attributable to a single person, including fingerprint characteristics, eye characteristics, hand
17 characteristics, vocal characteristics, facial characteristics and any other physical characteristics
18 used for the purpose of electronically identifying that person with a high degree of certainty.

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Section 3. [*Severability.*] [Insert severability clause.]

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Section 4. [*Repealer.*] [Insert repealer clause.]

Section 5. [*Effective Date.*] [Insert effective date.]