

# California Biometric Information Privacy Act

Erhardt Graeff, Beatrice Igne-Bianchi, Alice Wu

Imagine a world where anyone can track your every move, where showing your face in public means showing the public your social media accounts, your private photos, your contact information... This is the world we live in today. But while technology has advanced, the law has lagged far behind. We're fixing that.

## Real-Life Harms

- ▶ **FindFace:** a dating app that allows users to upload a photo of someone and find that person's social media accounts
  - ▶ Has been used to **stalk and harass** women who were secretly filmed in public restrooms
  - ▶ Could be used to **find and punish** political dissenters recorded at protests in Russia
- ▶ Retail stores like **Adidas and Saks Fifth Avenue** use systems to **scan customers' faces without permission** and alert staff of customers' home addresses, purchase histories, and more
  - ▶ These systems are also used to screen for shoplifters and other criminals
    - ▶ **There are no universal tests or standards of accuracy** for these systems
    - ▶ Most are biased – when tested, these systems have been found to have **significant error rates** when scanning racial minorities, women, and minors
- ▶ **Churchix:** secretly scans and identifies churchgoers' faces to gauge attendance

## Our Bill

- ▶ Requires **express affirmative consent** for the collection and use of biometric data
- ▶ Regulates how private entities store and when they must erase biometric data
- ▶ Requires that private entities **audit** their biometric systems for accuracy and bias
- ▶ Requires that private entities provide **alternate choices** to using biometrics for purposes like accessing email or banking
- ▶ Enforced by **private right of action**

## Quick Facts

- ▶ **Biometrics:** information from gait analyses, bone structure scans, face scans, eye scans, fingerprints, voiceprints, and hand scans
- ▶ **Facial recognition:** extracts and analyzes faces in photos, videos, etc. Associates said faces with personal information
- ▶ **Legal landscape:** Two state laws and an influx of lawsuits; no federal laws