



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**HB 218**

**Commercial Law – Consumer Protection – Biometric Identifiers and Biometric Information Privacy**

Chair Davis, Vice Chair Dumais, and members of the Economic Matters Committee. Thank you for your consideration of HB 218 – a bill substantially the same as the one you passed last year - which would put in place protections of our biometric identifiers. I hope you will pass it again this year.

Biometric identifiers are things like fingerprints, retina or iris scans or scans of our hand or face geometry. HB 218 provides:

- 1) If a company collects biometric identifiers, the company must have guidelines for retention and destruction, and it must follow those guidelines;
- 2) A company may not sell or profit from this information;
- 3) A company may not disclose this information unless it receives consent or the disclosure is necessary to complete a financial transaction, is required by law or is required by a subpoena; and
- 4) A company must destroy the biometric identifiers within a certain period of time: when the initial purpose for collecting them has been satisfied, or three years after the last interaction with the individual.

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

- Major airlines are looking into using “vaccine pass systems” – these systems would use biometrics to match an individual with their vaccine record. These records could be used to allow or restrict travel.<sup>1</sup>

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<sup>1</sup> <https://www.biometricupdate.com/202101/vaccine-pass-systems-and-biometric-contact-tracing-on-the-rise>

- 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.<sup>2</sup>
- 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 throughout the stands and project the facepaint filter on the massive Ravens Visions boards.<sup>3</sup>
- 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.<sup>4</sup>
- Lowes admits to using facial recognition to combat shoplifting; Walmart said they used it, then stopped, but won’t say whether they started again. Target and other stores have refused to answer whether they use it.<sup>5</sup>
- 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.<sup>6</sup>
- 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 use, retention and destruction of biometric identifiers despite the explosion of technology gathering them. Illinois, Texas and Washington have laws like HB 218. I urge you to again pass this bill so Marylanders have some protection with respect to this unique and very personal data.

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<sup>2</sup> <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.

<sup>3</sup> <https://www.baltimoreravens.com/news/ravens-first-nfl-team-to-launch-augmented-reality-face-painting-19337141>

<sup>4</sup> <https://www.pcma.org/facial-recognition-at-hotels-airports-and-conferences-raises-privacy-concerns/>

<sup>5</sup> <https://www.aclu.org/blog/privacy-technology/surveillance-technologies/are-stores-you-shop-secretly-using-face>.

<sup>6</sup> <https://www.buzzfeednews.com/article/leticiamiranda/retail-companies-are-testing-out-facial-recognition-at>.