

Regular Session, 2010

SENATE BILL NO. 262

BY SENATOR NEVERS

STUDENTS. Regulates collection of student biometric information. (gov sig)

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AN ACT

To enact R.S. 17:100.8, relative to students; to require the governing authority of each public elementary and secondary school that collects biometric information from students to develop, adopt, and implement policies governing the collection, storage, and use of such information; to provide relative to policy guidelines and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:100.8 is hereby enacted to read as follows:

§100.8. Student biometric information; collection and use

A. For the purposes of this Section, "biometric information" means the noninvasive electronic measurement and evaluation of any physical characteristics that are attributable to a single person, including fingerprint characteristics, eye characteristics, hand characteristics, vocal characteristics, facial characteristics, and any other physical characteristics used for the purpose of electronically identifying that person with a high degree of certainty.

B. The governing authority of each public elementary and secondary school that collects biometric information from students shall develop, adopt,

1 and implement policies governing the collection and use of such information
2 that, at a minimum, shall:

3 (1) Contain a full explanation of what type of biometric information will
4 be collected, how it will be collected and stored, and the purposes for which such
5 information will be used.

6 (2) Require written permission from the student's parent or other legal
7 guardian, or the student if he or she is eighteen years of age or older, prior to
8 the collection of any biometric information.

9 (3) Provide that any biometric information collected from a student
10 shall only be used for identification or fraud prevention purposes.

11 (4) Ensure that a student's biometric information shall not be disclosed
12 to a third party without the written permission of the student's parent or other
13 legal guardian, or the student if he or she has reached the age of eighteen, unless
14 the disclosure is required by court order.

15 (5) Provide for the secure storage, transmission, and protection of all
16 biometric information from unauthorized disclosure.

17 (6) Require that student biometric information be encrypted using an
18 algorithmic process which transforms data into a form in which there is a low
19 probability of assigning meaning to such information without use of a
20 confidential process or key.

21 (7) Ensure that the use of a student's biometric information is
22 discontinued upon:

23 (a) The student's graduation or withdrawal from school.

24 (b) Receipt of a written request to discontinue use of such information
25 from the student's parent or other legal guardian, or the student if he or she is
26 eighteen years of age or older.

27 (8) Require that all biometric information collected from a student shall
28 be destroyed within thirty days after use of such information is discontinued.

29 C. A student shall not be refused or denied any services due to the

1 **failure of the student's parent or other legal guardian, or the student if he or she**
 2 **is eighteen years of age or older, to provide written consent as provided in**
 3 **Subsection B of this Section.**

4 **D. Any collection of student biometric information shall comply with all**
 5 **applicable state and federal law and requirements, including the Federal**
 6 **Educational Rights Privacy Act of 1974.**

7 Section 2. This Act shall become effective upon signature by the governor or, if not
 8 signed by the governor, upon expiration of the time for bills to become law without signature
 9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 11 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Jeanne C. Johnston.

DIGEST

Proposed law defines "biometric information" as the noninvasive electronic measurement and evaluation of any physical characteristics that are attributable to a single person, including fingerprint characteristics, eye characteristics, hand characteristics, vocal characteristics, facial characteristics, and any other physical characteristics used for the purpose of electronically identifying that person with a high degree of certainty.

Requires the governing authority of each public elementary and secondary school that collects biometric information from students to develop, adopt, and implement policies governing the collection and use of such information that, at a minimum:

1. Contains a full explanation of what type of biometric information will be collected, how it will be collected and stored, and the purposes for which such information will be used.
2. Requires written permission from the student's parent or other legal guardian, or the student if he or she is age 18 or older, prior to the collection of any biometric information.
3. Provides that any biometric information collected from a student shall only be used for identification or fraud prevention purposes.
4. Ensures that a student's biometric information shall not be disclosed to a third party without the written permission of the student's parent or other legal guardian, or the student if he or she is age 18 or older, unless the disclosure is required by court order.
5. Provides for the secure storage, transmission, and protection of all biometric information from unauthorized disclosure.

6. Encrypts student biometric information using an algorithmic process which transforms data into a form in which there is a low probability of assigning meaning to such information without use of a confidential process or key.
7. Ensures that the use of a student's biometric information is discontinued upon:
 - (a) The student's graduation or withdrawal from school.
 - (b) Receipt of a written request to discontinue use of such information from the student's parent or other legal guardian, or the student if he or she is age 18 or older.
8. Requires that all biometric information collected from a student be destroyed within 30 days after use of such information is discontinued.

Provides that a student shall not be refused or denied any services due to the failure to provide written consent.

Provides that the collection of student biometric information must comply with all applicable state and federal law and requirements, including the Federal Educational Rights Privacy Act of 1974.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 17:100.8)