



## WORLD **PRIVACY** FORUM

27 May, 2016

Dear Senator Biss,

I am writing, joined by the **Consumer Federation of America**, **Alvaro Bedoya** at the Center on Privacy & Technology at Georgetown Law, **Center for Digital Democracy**, **Consumer Watchdog**, **Consumer Action**, and **Privacy Rights Clearinghouse** to express our strong opposition to House Bill 6074, Senate Floor Amendment 1.

The amendment changes the technical definition of biometric scans so as to render BIPA inapplicable to actual biometrics. BIPA will be a meaningless statute if the amendment passes, and it will strip Illinois residents of rights they currently enjoy.

BIPA in its current form defines “biometric identifier” as “a retina or iris scan, fingerprint, voiceprint, or scan of hand or face geometry.” 740 Ill. Comp. Stat. 14/10. This is construed to include photographs and digital photographs, because the scanning of biometric identifiers is almost always based on an image or photograph. This is taken as a relatively unambiguous fact in the biometrics profession.

To purposefully and specifically exclude photographs and digital photographs, as the proposed amendment does, means BIPA will essentially not apply to biometrics due to how biometric analytical processes work. The amended BIPA definition states:

“ ‘Scan’ means data resulting from an in-person process whereby a part of the body is traversed by a detector or an electronic beam.”

Again, this makes BIPA inapplicable to most biometric databases and work done today. It has the effect of removing Illinois consumers of BIPA’s original protective intent.

This amendment was filed May 26, and is assigned to the Judiciary Committee. It was introduced at the end of the legislative session before a busy holiday weekend. A change to Illinois residents’ rights this substantive and meaningful deserves robust, meaningful public debate and a much longer period of deliberation and balancing.

The Illinois BIPA is a high-profile law that has justly received national and international attention as a thoughtful, balanced, progressive law. We have discussed this law both nationally and internationally as a very significant piece of legislation. I urge you to oppose this amendment and protect the only meaningful biometric privacy law in this nation, and protect the rights of Illinois residents.

I have attached a FAQ with a more technical description of how the amendment effectively makes BIPA meaningless.

Thank you for your consideration. Please contact Pam Dixon if you would like to discuss our grave concerns.

Sincerely,

Pam Dixon

Executive Director  
**World Privacy Forum**  
C: 760-310-7698  
[pdixon@worldprivacyforum.org](mailto:pdixon@worldprivacyforum.org)  
[www.worldprivacyforum.org](http://www.worldprivacyforum.org)

Susan Grant  
Director of Consumer Protection  
**Consumer Federation of America**  
<http://consumerfed.org>

Alvaro Bedoya, signing as individual  
Executive Director  
**Center on Privacy and Technology, Georgetown Law**  
<http://www.law.georgetown.edu/faculty/bedoya-alvaro.cfm>

Jeffrey Chester  
Executive Director  
**Center for Digital Democracy**  
<https://www.democraticmedia.org>

John Simpson  
Consumer Advocate  
**Consumer Watchdog**  
<http://www.consumerwatchdog.org>

Beth Givens  
Director  
**Privacy Rights Clearinghouse**  
<https://www.privacyrights.org>

**Consumer Action**  
Linda Sherry, Director, National Priorities  
<http://www.consumer-action.org>

