



## Legislation Text

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### Res. No. 690

Resolution calling on Congress to pass, and the President to sign, legislation that prevents companies from collecting biometric data that could then harm or suppress people.

By Council Members Avilés, Williams and Cabán

Whereas, Biometrics are measurable biological and physiological characteristics that are used to identify an individual, and such characteristics as facial structure, fingerprints, iris scans, voice pattern, and more, may be used in recognition technologies, according to the National Institute of Standards and Technology; and

Whereas, Biometric data is often collected to provide an extra layer of security and convenience for authentication and identification services, as biometrics are unique to an individual and do not rely on memory, a common failing for alternative authentication methods such as passwords; and

Whereas, However, biometric data is a risk precisely because it is individually unique, and cannot be simply changed like a password or reissued like an identifying number, thereby making biometric data a target for malicious actors and a significant cybersecurity concern, with the Federal Trade Commission in May 2023 issuing a policy statement outlining the risks stemming from the increased collection of biometric information, particularly when collected without consumer knowledge or consent; and

Whereas, The collection of biometric data to identify individuals can lead to consequences for individuals ranging from identity theft to suppression of civil liberties, as well as consequences to society through national security risks; and

Whereas, In New York City, Gothamist reported in August 2020 that the New York City Police Department used facial recognition technology (“FRT”) to identify and follow a Black Lives Matter protester

back to his apartment, the New York Times reported in December 2022 that Madison Square Garden Entertainment used FRT to deny entry from their venues to lawyers involved in ongoing litigation, and VICE News reported in January 2023 that “proptech” companies were selling biometric-identifying surveillance systems to property owners in New York City with the explicit purpose of evicting tenants or raising rents; and

Whereas, A January 2024 report from the National Academies of Sciences, Engineering, and Medicine recommended consideration of federal legislation and an executive order to regulate the deployment and development of FRT, noting in particular that the rate of FRT’s proliferation and sophistication was far outpacing existing regulations, while an April 2024 StateScoop article shared that at present, there were no comprehensive federal data privacy laws in the U.S. that protect a individuals’ personal data, including biometric data, from being collected or sold; and

Whereas, Federal regulation that protects a user’s data privacy, through protection of their biometric information, is needed to safeguard against the potential misuses and consequent harms of biometric data collection; now therefore, be it

Resolved, That the Council of the City of New York calls on Congress to pass, and the President to sign, legislation that prevents companies from collecting biometric data that could then harm or suppress people.

CCK  
LS #16461  
7/12/2024