



FROM THE DESK OF
Rep. John S. Hoffman

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Hoffman

ACLU of Oregon Concerns about HB 2228

HB 2228 is a well-intentioned bill, but it raises significant privacy concerns which the ACLU of Oregon would like this legislature to be aware of and to consider carefully.

HB 2228 reverses state policies which protect Oregonians' privacy:

Current state law requires the FBI to destroy all copies of Oregonians' fingerprints after performing a background check. If enacted, HB 2228 will reverse this policy by feeding Oregonians' fingerprints into a massive database of biometric information compiled by the FBI: the Next Generation Identification (NGI) database. **The FBI has not agreed to limit its use of such prints, nor has the FBI agreed to destroy prints when a rap back subscription ends. HB 2228 does not require such an agreement with the FBI, although we believe a requirement for such an agreement would greatly improve the bill.** We are unsure if such an agreement is possible.

When HB 2228 was originally proposed, it only allowed the Oregon State Police to retain fingerprints. While we were concerned about OSP retention (which is also a policy reversal), OSP agreed not to use the fingerprint data for surveillance purposes, and the proponents agreed to amend the bill to ensure that enrollment in the rap back system would be completely voluntary. After these improvements were agreed to, the FBI requested further amendments to allow the FBI to retain prints, which is apparently necessary to administer the system.

Why we are concerned about the Next Generation Identification (NGI) database:

The FBI's goal is to fill the NGI database with the palm prints, iris scans, fingerprints, voice and facial recognition data, and personal and biographic information of every American citizen, whether or not they have a criminal record. NGI is shared with federal agencies and approximately 18,000 tribal, state and local law enforcement agencies. Despite repeated requests from privacy advocates, the FBI has evaded questions about the database's uses. Our understanding is that once fingerprints are in the NGI system, they are not removed for 75 years, regardless of when a rap back subscription ends.

The ACLU of Oregon is concerned that the NGI database could allow us to be monitored and tracked in unprecedented ways. For example, ACLU affiliates have been receiving concerned inquiries about the use of portable biometric readers by law enforcement. These small, handheld devices can read fingerprints and other biometric information in the field. We are concerned that these readers could be linked to the NGI database in order to identify and monitor innocent civilians.

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