

# Senate Bill 284

Sponsored by Senator MONNES ANDERSON (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Makes it unlawful employment practice for employer to collect biometric data from employees.  
Requires Commissioner of Bureau of Labor and Industries to establish rules regarding biometric data collected by employer before effective date of Act.

## A BILL FOR AN ACT

1  
2 Relating to the collection of biometric data from employees.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 659A.**

5 **SECTION 2. (1) It is an unlawful employment practice for an employer to capture or**  
6 **collect biometric data from an employee or prospective employee.**

7 **(2) The Commissioner of the Bureau of Labor and Industries shall adopt rules regarding**  
8 **the biometric data that an employer collected from an employee or prospective employee**  
9 **before the effective date of this 2019 Act. Rules adopted under this subsection may include,**  
10 **but need not be limited to:**

11 **(a) Rules that prohibit the sale, lease or disclosure of any biometric data that is stored**  
12 **in a database maintained by the employer or maintained by a third-party entity on behalf of**  
13 **the employer.**

14 **(b) Guidelines for permanently destroying the biometric data.**

15 **(c) A retention schedule for the biometric data.**

16 **(d) Requirements for securely storing the biometric data.**

17 **(e) Protocols for protecting the biometric data.**

18 **(3) As used in this section:**

19 **(a) "Biometric data" is any information, regardless of how it is captured, converted,**  
20 **stored or shared, that is based on an individual's biometric identifier and that may be used**  
21 **to identify an individual.**

22 **(b) "Biometric identifier" is any measurement of an individual's biological patterns or**  
23 **characteristics, including but not limited to:**

24 **(A) Retina or iris scans; and**

25 **(B) Voiceprints.**

26 **(4) Nothing in this section is intended to limit the authority of an employer to require**  
27 **the fingerprints of an employee or prospective employee for the purpose of requesting a state**  
28 **or nationwide criminal records check under ORS 181A.195.**

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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.