

STATE OF NEW YORK

9643

IN SENATE

March 31, 2026

Introduced by Sens. LIU, FERNANDEZ, JACKSON, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Internet and Technology

AN ACT to amend the state technology law, in relation to banning the use of biometric identifying technology in schools

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivisions 2, 3 and 4 of section 106-b of the state technology law, as added by chapter 2 of the laws of 2021, are amended to
2 read as follows:

3
4 2. a. Except as authorized in paragraph b of this subdivision, public
5 and nonpublic elementary and secondary schools, including charter
6 schools, shall be prohibited from purchasing or utilizing biometric
7 identifying technology for any purpose, including school security[
8 ~~until July first, two thousand twenty two or until the commissioner of~~
9 ~~education authorizes such purchase or utilization as provided in subdi-~~
10 ~~vision three of this section, whichever occurs later].~~

11 b. Schools may utilize biometric identifying technology for the
12 following purposes: (i) fingerprint identification of prospective school
13 employees where utilized for the purpose of compliance with a provision
14 of the education law or the regulations of the commissioner of education
15 [~~ex~~]; (ii) fingerprint identification of teachers, administrators and
16 students for the purpose of securely logging into a digital device for
17 academic and administrative purposes; or (iii) to exclusively identify
18 employees that have consented in writing to the use of such technology
19 or in the case of employees represented under article fourteen of the
20 civil service law, where the employee organization representing such
21 employee has consented in writing to the use of such technology.

22 [~~3. a. The commissioner of education shall not authorize the purchase~~
23 ~~or utilization of biometric identifying technology, including but not~~
24 ~~limited to facial recognition technology, without the director first~~
25 ~~issuing a report prepared in consultation with the state education~~
26 ~~department, making recommendations as to the circumstances in which the~~
27 ~~utilization of such technology is appropriate in public and nonpublic~~

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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~~1 elementary and secondary schools, including charter schools, and what
2 restrictions and guidelines should be enacted to protect individual
3 privacy, civil rights, and civil liberty interests. Such report shall be
4 made public and presented to the governor, the temporary president of
5 the senate, and the speaker of the assembly, and shall consider, evaluate
6 and present recommendations concerning:~~

~~7 i. the privacy implications of collecting, storing, and/or sharing
8 biometric information of students, teachers, school personnel and the
9 general public entering a school or school grounds;~~

~~10 ii. the potential impact of the use of biometric identifying technology
11 on student civil liberties and student civil rights, including the
12 risks and implications of the technology resulting in false facial iden-
13 tifications, and whether the risks of false facial identifications
14 differs for different subgroups of individuals based on race, national
15 origin, gender, age and other factors, and any other reasonable accuracy
16 concerns with respect to technology;~~

~~17 iii. whether, and under what circumstances, such technology may be
18 used for school security and the effectiveness of such technology to
19 protect students and school personnel;~~

~~20 iv. whether, and under what circumstances and in what manner, informa-
21 tion collected may be used by schools and shared with students, parents
22 or guardians, outside agencies including law enforcement agencies, indi-
23 viduals, litigants, the courts, and any other third parties;~~

~~24 v. the length of time biometric information may be retained and wheth-
25 er, and in what manner, such information may be required to be perma-
26 nently destroyed;~~

~~27 vi. the risk of an unauthorized breach of biometric information and
28 appropriate consequences therefor;~~

~~29 vii. expected maintenance costs resulting from the storage and use of
30 facial recognition images and other biometric information, including the
31 cost of appropriately securing sensitive data, performing required
32 updates to protect against an unauthorized breach of data, and potential
33 costs associated with an unauthorized breach of data;~~

~~34 viii. analysis of other schools and organizations, if any, that have
35 implemented facial recognition technology and other biometric identify-
36 ing technology programs;~~

~~37 ix. the appropriateness and potential implications of using any exist-
38 ing databases, including but not limited to, local law enforcement data-
39 bases, as part of biometric identifying technology;~~

~~40 x. whether, and in what manner such biometric identifying technology
41 should be assessed and audited, including but not limited to, vendor
42 datasets, adherence to appropriate standards of algorithmic fairness,
43 accuracy, and other performance metrics, including with respect to
44 subgroups of persons based on race, national origin, gender, and age;~~

~~45 xi. whether, and in what manner, the use of such technology should be
46 disclosed by signs and the like in such schools, as well as communicated
47 to parents, guardians, students, and district residents; and~~

~~48 xii. existing legislation, including but not limited to section two d
49 of the education law, that may be implicated by or in conflict with
50 biometric technology to ensure the maintenance of records related to the
51 use of such technology, protect the privacy interests of data subjects,
52 and avoid any breaches of data.~~

~~53 b. The director, in consultation with the commissioner of education,
54 shall consult with stakeholders and other interested parties when
55 preparing such report. The state education department, the division of
56 criminal justice services, law enforcement authorities and the state~~

1 ~~university of New York and the city university of New York shall, to the~~
2 ~~extent practicable, identify and provide representatives to the office~~
3 ~~of information technology, at the request of the director, in order to~~
4 ~~participate in the development and drafting of such report.~~

5 ~~4. The director shall, via scheduled public hearings and other~~
6 ~~outreach methods, seek feedback from teachers, school administrators,~~
7 ~~parents, individuals with expertise in school safety and security, and~~
8 ~~individuals with expertise in data privacy issues and student privacy~~
9 ~~issues, and individuals with expertise in civil rights and civil liber-~~
10 ~~ties prior to making such recommendations.]~~

11 § 2. This act shall take effect immediately.