

Important Information for Current and Future Timepiece Clients

Several school districts have expressed concern about the recent memo from The State Education Department released on Tuesday, March 10, 2021, regarding the use of *biometric identifying technology*. In an effort to reassure our clients, it is important to note that there are two (2) exceptions to this law detailed in paragraph 2. As shown below, the use of *biometric identifying technology* for both prospective and existing employees has been deemed acceptable within the confines of this new legislation.

The law was first put in place December 22, 2020 and an amendment was signed and passed on January 6, 2021.

For districts that do not have the use of *biometric identifying technology* software language in their union contracts, Finance Manager has RFID coins, Proximity cards or FOBS available.

State Technology Law § 106-b prohibits all public (including charter schools) and non-public elementary and secondary schools (collectively referred to as "Elementary and Secondary Schools"), from using biometric identifying technology for any purpose other than:

(1) for fingerprint identification of prospective employees in compliance with the Education Law and/or the Regulations of the Department of Education.

(2) to identify employees who have consented, individually or through their union, to such use.

Any Elementary or Secondary School that is currently utilizing biometric identifying technology must immediately cease using such technology unless its use falls into one of the two exceptions.



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To: BOCES District Superintendents
Charter School Leaders
Data Protection Officers
Non-Public School Leaders
School Leaders
School District Superintendents
School District Business Officers

From: Temitope Akinyemi, Chief Privacy Officer

Date: March 10, 2021

Subject: Regarding Chapter 2 of the Laws of 2021 relating to the use of biometric identifying technology (State Technology Law § 106-b).

I am writing to provide you with an update on the use of biometric identifying technology such as facial recognition systems in New York state schools given recent changes in state law. Assembly Bill A.6787-D, which, among other things, prohibited the use of biometric identifying technology in all elementary and secondary schools until at least July 1, 2022, was enacted as Chapter 349 of the Laws of 2020. Earlier this year, Chapter 349 was amended to correct a technical error and to move its provisions from the Education Law to the State Technology Law as § 106-b. This amendment was embodied in Assembly Bill A.954 and enacted as Chapter 2 of the Laws of 2021, effective December 22, 2020.

State Technology Law § 106-b prohibits all public (including charter schools) and non-public elementary and secondary schools (collectively referred to as "Elementary and Secondary Schools"), from using biometric identifying technology for any purpose other than: (1) for fingerprint identification of prospective employees in compliance with the Education Law and/or the Regulations of the Department of Education; or (2) to identify employees who have consented, individually or through their union, to such use. Any Elementary or Secondary School that is currently utilizing biometric identifying technology must immediately cease using such technology unless its use falls into one of the two exceptions.

The statute defines biometric identifying technology as "any tool using an automated or semi-