

Brief Summary of SB 6280

Senator Nguyen

An ACT Relating to the use of facial recognition services

- Findings are made for the need for safeguards in state agency and local government use of facial recognition services.
- Agencies using facial recognition services to make significant decisions regarding consumers must ensure that the decisions are subject to meaningful human review.
- Prior to deploying a facial recognition service, the agency must communicate the use of the service to the public and test it under operational conditions.
- Agencies must conduct periodic training of individuals operating a facial recognition service or processing personal data obtained through the service.
- Agencies developing or using a facial recognition services must develop an accountability report for that system with certain requirements such as the purpose; a description of its capabilities and limitations; and procedures to receive feedback.
- Each agency using a facial recognition services must prepare and publish an annual report disclosing the extent of use of the service, an assessment of compliance with the accountability report, and recommendations for revisions to the services.
- Agencies must require a facial recognition service provider to make available an application programming interface to enable independent testing for accuracy and unfair performance differences across distinct subpopulations.
- Agencies shall not use facial recognition services for ongoing surveillance, except in support of law enforcement and pursuant to a search warrant or where the agency director determines it is necessary to respond to an emergency involving imminent danger.
- Prohibited uses are enumerated, such as applying facial recognition based on religious or political views, gender, gender identity, actual or perceived race, ethnicity, citizenship, age, or disability.
- Due process protection and record-keeping requirements are set forth, including requiring disclosure to defendants prior to trial and maintenance of records to enable public reporting.
- Warrants for ongoing surveillance must be reported by superior court judges annually to the supreme court, with information regarding the warrants listed.
- A task force on facial recognition services is established.