

**LOCAL LAW TO BE ENACTED BY
THE ERIE COUNTY LEGISLATURE
IN THE COUNTY OF ERIE**

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LOCAL LAW INTRO.- NO. 2-1 - 2026

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A LOCAL LAW requiring commercial establishments to disclose the use of biometric identifier technology and protect customer biometric information.

SECTION 1. Title

This law shall be known as “The Customer Biometric Privacy Act.”

SECTION 2. Legislative Intent

The Erie County Legislature recognizes that commercial establishments are increasingly adopting biometric identifier technology to collect sensitive personal information from customers. This technology captures unique biological characteristics such as fingerprints, facial geometry, voiceprints, and other distinctive physical identifiers. We believe customers have a right to know when such technology is in use and to understand how their biometric information is collected, utilized, stored, and protected. This law establishes transparency requirements and safeguards to ensure customers are properly informed and their biometric data remains secure from misuse.

SECTION 3. Definitions

BIOMETRIC IDENTIFIER INFORMATION

Any information obtained through technological processing of an individual’s physical, biological, or behavioral characteristics that can be used to establish that individual’s identity. This includes, but is not limited to, facial geometry, fingerprints, voiceprints, iris or retina scans, and hand or finger geometry.

BIOMETRIC IDENTIFIER TECHNOLOGY

Any technology, including software or applications, designed to collect, process, or store biometric identifier information.

COMMERCIAL ESTABLISHMENT

Any business in Erie County that serves the public and conducts retail sales, offers services, or carries out other commercial activities.

CUSTOMER

Any individual who enters or attempts to enter a commercial establishment, regardless of whether that individual completes a purchase or uses the establishment's services.

SECTION 4. Notice Requirements

Any commercial establishment utilizing biometric identifier technology to collect biometric identifier information from customers shall:

(a) Post clear and conspicuous signage at all public entrances, notifying customers that biometric identifier technology is in use. Such signage must be positioned in a location reasonably seen by customers prior to entering the establishment.

SECTION 5. Prohibited Practices

No commercial establishment shall:

(a) Sell, lease, trade, or otherwise exchange for value any biometric identifier information collected from customers, or profit from any transaction involving such information.

(b) Disclose, redisclose, or otherwise disseminate a customer's biometric identifier information to any third party unless such disclosure is mandated by law or necessary to complete a transaction requested by the customer, provided the customer has been informed of such disclosure.

(c) Utilize biometric identifier technology to collect biometric identifier information from customers without providing the notice required under Section 4 of this law.

SECTION 6. Data Security

Commercial establishments that collect biometric identifier information from customers shall implement reasonable security measures to protect such information from unauthorized access, acquisition, or disclosure.

SECTION 7. Exceptions

(a) This law does not apply to biometric identifier information collected, used, or retained for employment purposes or in connection with employment-related transactions, provided such information is used exclusively for employment-related purposes and not for purposes related to the individual's status as a customer. This law also does not apply to the collection of biometric identifier information that is required or permitted by federal or state law.

(b) Nothing in this chapter shall apply to the collection, storage, sharing or use of biometric identifier information by government agencies, employees or agents.

(c) The disclosure required by section 4 shall not apply to:

Biometric identifier information collected through photographs or video recordings, if: (i) the images or videos collected are not analyzed by software or applications that identify, or that assist with the identification of, individuals based on physiological or biological characteristics, and (ii) the images or video are not shared with, sold or leased to third-parties other than law enforcement agencies.

SECTION 8. Enforcement

The Erie County Division of Consumer Protection shall be responsible for enforcing this law. Any commercial establishment found to be in violation of this law shall be subject to the following penalties:

(a) For a first violation, a written warning and a requirement to achieve compliance within 30 days.

(b) For a second violation occurring within two years of the first violation, a civil penalty of not less than \$500 nor more than \$1,000.

(c) For a third or subsequent violation occurring within two years of the first violation, a civil penalty of not less than \$1,000 nor more than \$5,000 for each violation.

SECTION 9. Severability

If any provision of this chapter, or its application to any person or circumstance, is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the specific provision or application directly involved in the controversy in which the judgment was rendered. The validity of the remainder of this chapter and its application to other persons or circumstances shall not be affected or impaired. The County of Erie hereby declares that it would have enacted this chapter, or the remainder thereof, had the invalid application or provision been apparent at the time of enactment.

SECTION 10. Effective Date

This Local Law shall take effect 90 days following its filing with the Office of the Secretary of State.

Sponsor: Legislator Lorigo