



ERIE COUNTY LEGISLATURE
REPUBLICAN CAUCUS

June 17, 2026

Jennifer Andres
Director, Erie County Division of Consumer Protection
95 Franklin Street, Room 651
Buffalo, New York 14202

Dear Director Andres:

Re: Implementation of Local Law No. 1-2026, Biometrics Transparency and Privacy Act

We request a status report on the implementation of the Biometrics Transparency and Privacy Act that took effect on June 5, 2026.

News coverage¹, published two days after the law's effective date, makes clear that significant confusion exists among Erie County businesses regarding their obligations under the law. This confusion is not a minor communications gap. It is a direct consequence of a law passed and signed before a clear implementation framework was in place.

Required compliance with the law has officially begun. Under Local Law No. 1-2026, Section 5, any commercial establishment in possession of biometric identifier information at the time of enactment must provide written notice to your office within thirty (30) days of the June 5 effective date, meaning the deadline is July 5, 2026. That notice must include a summary of all biometric data held and a destruction policy detailing how and when it will be permanently deleted. Within thirty (30) days of submitting that notice, the same establishments must file a certified affidavit confirming destruction. Businesses that have not yet complied face civil penalties of up to \$5,000 per day.

¹ *Impact of Erie County Biometric Law Still Unclear for Some Businesses*, WIVB, 6/7/26

The WIVB report published on June 7 found businesses still uncertain about the most basic questions: who is covered, what qualifies as biometric data under the law, and what exactly they are required to do. A legal expert interviewed in that story noted that even specific industries, including funeral homes with fingerprint-based identification systems, remain unsure whether the law applies to them. When asked for guidance, the administration responded that additional guidance would be released "in the coming months." That answer is not acceptable when the first deadline is less than four weeks away.

We opposed this legislation in part because it lacked sufficient consideration of the burden on Erie County businesses. The law places compliance entirely on the establishments, requiring them to self-identify, self-disclose, and self-certify destruction of data they may not have known was covered, all within tight timeframes. The Division of Consumer Protection has since posted forms and rules on its website, and we acknowledge that work. However, the public record, including the media coverage, suggests that outreach has not effectively reached impacted businesses.

We respectfully request that your office provide written responses to the following questions by July 19, 2026:

1. How many written notices have been received from establishments to date pursuant to Section 5(a) of Local Law No. 1-2026?
2. What outreach has the Division of Consumer Protection conducted to notify businesses of their obligations before the July 5 deadline?
3. What is the timeline for publishing additional compliance guidance, and will that guidance address sector-specific questions?
4. Does the Division intend to extend the July 5 notice deadline for businesses that were not adequately informed of their obligations prior to the effective date?
5. What staffing and resources has the Division of Consumer Protection dedicated to the Biometrics Transparency and Privacy Act implementation, compliance, and enforcement?

Erie County businesses need clear, timely guidance on what this law requires and when that is required. The Legislature has an oversight responsibility to ensure that laws passed in this body are implemented as written, and that the compliance burden imposed on the private sector is matched by an equal level of preparation and communication from Erie County Government. We appreciate your prompt attention to this matter.

Sincerely,



John J. Mills
Minority Leader, District 11



Christopher D. Greene
Legislator, District 6



Frank J. Todaro
Legislator, District 8



Lindsay R. Lorigo
Legislator, District 10