



NEW YORK STATE SENATOR

Brian Kavanagh

Forwarding: Governor Cuomo Signs Legislation Suspending Use and Directing Study of Facial Recognition Technology in Schools

BRIAN KAVANAGH December 22, 2020



Legislation (A6787-D/S5140-B) Directs the Study of Whether Facial Recognition and Other Kinds of Biometric Technology Should be Used in Schools; Suspends Their Use Until Properly Reviewed

Governor Andrew M. Cuomo today signed legislation (A6787-D/S5140-B) suspending the use of facial recognition technology and other kinds of biometric technology in schools, directing a study of whether its use is appropriate in schools and issuing recommendations. The

legislation places a moratorium on schools purchasing and using biometric identifying technology until at least July 1, 2022 or until the report is completed and the State Education Commissioner authorizes its use, whichever occurs later. It applies to both public and private schools in New York State.

"Facial recognition technology could provide a host of benefits to New Yorkers, but its use brings up serious and legitimate privacy concerns that we have to examine, especially in schools," Governor Cuomo said. "This legislation requires state education policymakers to take a step back, consult with experts and address privacy issues before determining whether any kind of biometric identifying technology can be brought into New York's schools. The safety and security of our children is vital to every parent, and whether to use this technology is not a decision to be made lightly."

The call for this legislation follows concerns raised about potential risks posed to students by some existing facial recognition and other biometric technologies, including reported high rates of misidentification of women, young people, and people of color as well as the safety and security of biometric data and corresponding student privacy concerns.

Under an agreement reached with the Legislature to be passed in the upcoming Legislative Session, the state Office of Information Technology will work with the State Education Department and will seek feedback from teachers and parents, as well as experts in school safety, security, data and student privacy issues. The study will address specific considerations outlined in the legislation, including the technology's potential impact on student civil liberties and privacy and how the data collected would be used.

Senator Brian Kavanagh said, "It makes no sense to bring this aggressive surveillance technology into our schools when no one has made a compelling case, either that it will meaningfully improve security or that it can be used without violating the privacy and civil

rights of students, staff, and visitors. This law will ensure that State education officials review this technology and vouch for it before any young people are subjected to it. I expect that they will conclude that it is neither necessary nor appropriate in schools. I thank Assemblymember Wallace for her leadership; the students, families and advocates for effectively challenging the use of this technology; and the Governor for signing this important legislation into law."

Assembly Member Monica P. Wallace said, "Before spending millions of dollars on this new and unproven technology, we owe it to students, parents, and taxpayers to take a hard look at whether facial recognition software is appropriate for use in schools. I thank Governor Cuomo for signing this legislation and recognizing the need to further study the issue. There are serious concerns about misidentification, misuse and data privacy that must be considered before allowing this technology to be used in schools across the state."

Where it finds biometric identifying technology appropriate for use in schools, the study will also identify restrictions and guidelines to govern its use.