

Marie Izquierdo, Chief Academic Officer
Office of Academics and Transformation

**SUBJECT: PROPOSED PROMULGATION OF NEW BOARD POLICY: FINAL
READING: POLICY 8332, BIOMETRIC INFORMATION COLLECTION
RESTRICTIONS AND PRIVACY PROTECTIONS**

COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY ENGAGEMENT

**LINK TO DISTRICT
STRATEGIC PLAN: IMPROVE SAFETY AND THE SCHOOL ENVIRONMENT**

At its meeting of July 17, 2013, the School Board approved Agenda Item H-11 proffered by School Board Member Raquel Regalado directing the Superintendent to establish a policy addressing the use, maintenance, and destruction of biometric information. Authorization is hereby requested for the Superintendent to initiate rulemaking to adopt a new District policy regarding biometrics. (While the District does not use or collect biometric information, and has no current plan to do so, the Board should establish a policy regulating the use of biometrics and creating safeguards for their collection and use.) The policy will provide a definition of biometrics and outline procedures for the collection and use of biometric information, privacy standards and safeguards, and related training and compliance.

Biometrics involves the measurement and analysis of unique physical or behavioral characteristics as a means of verifying personal identity. Biometric information includes, but is not limited to, fingerprints, hand geometry, voice or facial recognition, and iris or retinal scans. Biometric recognition systems typically use a scanner or reader to record an individual's unique characteristics. This scanned biological data is then converted into a digital format wherein match points are identified and stored to be used in identifying individuals when they try to access certain services or areas.

Biometric recognition systems have been used in K-12 school systems for several years to regulate access to school facilities, taking attendance, and management of school buses, lunches and libraries. Presently, there are no uniform national, state or local laws, regulations or policies for the use of these systems.

The proposed policy establishes guidelines and limitations on which departments may use biometrics in certain situations and how the data may be used. Parent consent will be obtained for participation in any MDCPS biometric program. Additionally, the policy establishes safeguards for maintaining privacy standards and limits use to MDCPS exclusively, barring third parties and vendors from accessing biometric data collected. Training on the policy and regulations will be required for MDCPS employees who will have access to such information.

The Notice of Intended Action was published in the *Miami Daily Business Review* on December 16, 2013, posted in various places for public information, and mailed to various organizations representing persons affected by the policy and to individuals requesting information.

The time to request a hearing or protest the adoption of this policy has elapsed.

Attached are the Notice of Intended Action and the proposed new policy.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedures Act to promulgate new Board Policy 8332, Biometric Information Collection Restrictions and Privacy Protections.

There is no additional cost to the District associated with this item.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt School Board 8332, Biometric Information Collection Restrictions and Privacy Protections and authorize the Superintendent to file the policy with The School Board of Miami-Dade County, Florida, effective January 15, 2014.

AG/lmm

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on December 11, 2013, its intention to promulgate new Board Policy 8332, Biometric Information Collection Restrictions and Privacy Protections, at its meeting of January 15, 2014.

PURPOSE AND EFFECT: The proposed new policy will regulate the use of biometric information and create safeguards for the use, maintenance and destruction of biometric data.

SUMMARY: The rule establishes policy for the collection, use, maintenance and destruction of biometric data.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:

1001.32; 1001.41(1)(2); 1003.01(12); 1001.43(10), F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1001.32; 1001.41(1)(2);

1003.01(12); 1001.43(10), F.S., 119.071(5)(g), F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING OF January 15, 2014, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.541(1), F.S., must do so in writing by January 8, 2014, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim-record of the proceedings, including the testimony and evidence upon which the appeal is based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED NEW RULE is available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Ms. Raquel Regalado

Date: November 25, 2013

8332 –BIOMETRIC INFORMATION COLLECTION RESTRICTIONS AND PRIVACY PROTECTIONS

The use of biometric technologies in the District and schools is prohibited unless it is specifically recommended by the Superintendent and approved by the School Board and determined to be in the best interest of the District or school.

Definition

Biometrics is the measurement and analysis of unique physical or behavioral characteristics as a means of verifying personal identity. Biometric information includes, but is not limited to, fingerprints, hand geometry, voice or facial recognition, or iris or retinal scans.

Collection and Use of Biometric Information

Biometric information may only be collected and used under the following conditions:

1. The Superintendent shall determine which schools or departments, if any, may use biometrics based on efficiency and accountability needs, historical success of biometric use in schools and other public agencies, ability to implement the biometric technology system, resource availability and budgetary constraints.
2. Biometric information shall only be approved for use in identification or fraud prevention.
3. Written permission to collect or use specific student biometric information shall be annually obtained from the student's parent of record, or the student if 18 years old or older, before collection or use of any biometric information can take place.
4. Use of student biometric information shall be discontinued immediately when a student transfers to another school, withdraws from the school or District, graduates, or the parent or student if 18 or older, requests in writing to discontinue participation. Transfer students and students returning to the District must specifically re-enroll in the program in writing in order for the new school to collect or use biometric information.
5. Biometric identification information shall be exempt from disclosure under (1) the public records exemption in Section 119.07(5)(g)1, F.S., and must be destroyed within ninety(90) days after the student is no longer registered in school, or (2) as student records under Board Policy 8330, state and federal

law which must be maintained according to the appropriate records retention law.

6. An Opt-In Form adopted by the District will be used to inform parents and manage participation in any District approved biometric program. The Superintendent shall develop a parental consent form that is specific to the type of biometric information being collected and complies with this policy.
7. If a student is not participating in the program, the District will make available a different form of identification for that child. Failure to provide written consent to participate shall not be the basis for denial of any services otherwise available to the student.
8. Biometric information shall not be sold, leased or traded to any other entity, including government agencies.

Collection of Student Information by Vendors and Other Third Parties

Vendors are prohibited from collecting biometric information unless recommended by the Superintendent and approved by the School Board pursuant to a written agreement that requires the vendor to specifically comply, at a minimum, with all of the criteria and standards in this policy.

Privacy Standards

All District officials, employees and vendors shall keep biometric information confidential at all times and may only disclose it with approval of the Superintendent pursuant to Board policy and law. The Superintendent shall develop processes and procedures to protect biometric information and ensure that it is only used in accordance with this policy. These standards, requirements and responsibilities apply to all persons with access to District biometric information and shall include, but are not limited to, the following:

1. All biometric information must be kept secure and confidential.
2. Biometric information must be maintained in a secure environment with access restricted to a minimum of specifically authorized employees who need access to perform their daily responsibilities.
3. Biometric information must be protected against fraud, unauthorized use or other compromise.
4. Disclosure of biometric information is prohibited unless approved by the superintendent pursuant to law and this policy.

Training and Compliance

The Superintendent shall provide training on the collection and use of biometric information to any employee that will have access to such information. An employee's failure to comply with this policy or the administrative procedures may result in discipline up to and including termination. Any violation by a vendor will be considered a breach of contract and could subject the vendor to debarment pursuant to Board Policy 6320.04.

119.071(5)(g), F.S.