A bill for an act

relating to public safety; prohibiting law enforcement agencies from acquiring facial recognition data from private entities; proposing coding for new law in Minnesota Statutes, chapter 626.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[626.191] FACIAL RECOGNITION TECHNOLOGY.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Facial recognition data" means any unique attribute or feature of the face of an individual that is used by facial recognition technology to assign a unique, persistent identifier or for the unique personal identification of a specific individual.

(c) "Facial recognition technology" means technology that (1) analyzes facial features in still or video images; and (2) is used to assign a unique, persistent identifier or is used for the unique personal identification of a specific individual.

(d) "Law enforcement agency" has the meaning given in section 626.84, subdivision 1.

(e) "Private entity" means any natural person, partnership, corporation, association, business trust, or a legal representative of an organization. Private entity does not include a government entity, as defined in section 13.02, subdivision 7a.

Subd. 2. **Private agreements prohibited.** A law enforcement agency must not enter into an agreement or informal arrangement with a private entity to purchase, acquire, collect, or use facial recognition data.

Subd. 3. **Access to data.** (a) Unless the data is part of an active criminal investigation under section 13.82, subdivision 7, an individual who is the subject of facial recognition data has access to the data, including any related data describing the purpose or use of that data.

(b) A law enforcement agency must comply with chapter 13, including sections 13.05, subdivision 5, and 13.055, in the operation of facial recognition technology and maintenance of facial recognition data.

Subd. 4. **Written policy required.** A law enforcement agency that uses or acquires facial recognition technology must establish and enforce a written policy governing its use of facial recognition technology. The agency must post the written policy on its website, if the agency has a website, and must make the policy available to the public upon request.

Subd. 5. **Inventory of facial recognition technology.** A law enforcement agency that uses facial recognition technology must maintain the following information, which is public data:

(1) the number of criminal investigations aided by facial recognition technology;

(2) the number of uses of facial recognition technology for reasons other than criminal investigations; and

(3) the number of times and reason the law enforcement agency shared facial recognition technology or facial recognition data with another law enforcement agency, government entity, or federal agency.

Subd. 6. **Notification to the Bureau of Criminal Apprehension.** Within ten days of obtaining new facial recognition technology, a law enforcement agency must notify the Bureau of Criminal Apprehension that it has obtained new facial recognition technology. The notice must include a description of the technology, its surveillance capacity, intended uses, and a description of how the agency plans to or is currently collecting the underlying facial recognition data. The notices are accessible to the public and must be available on the bureau's website.