

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

April 15, 2024  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB24-1130 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

1 Amend reengrossed bill, page 3, after line 16 insert:

2           "(3) While increasing protections for individuals' biometric  
3 identifiers is of the utmost importance, critical privacy protections must  
4 be balanced with the use of biometric data to support public safety as  
5 outlined in state and federal statutes. The "Colorado Privacy Act", part 13  
6 of article 1 of title 6, includes a variety of exceptions to the requirements  
7 established in this act, including permitted uses of biometric data for  
8 public safety needs, and all of the exceptions that apply to the entirety of  
9 the "Colorado Privacy Act" apply to the protections established for  
10 biometric data and biometric identifiers in this act."

11 Renumber succeeding subsection accordingly.

12 Page 4, after line 12 insert:

13           "(c) "LEGALLY AUTHORIZED REPRESENTATIVE" MEANS A PARENT  
14 OR LEGAL GUARDIAN OF A MINOR OR A LEGAL GUARDIAN OF AN ADULT."

15 Page 4, strike lines 17 and 18 and substitute "IDENTIFIERS AND BIOMETRIC  
16 DATA;

17           (II) INCLUDES A PROTOCOL FOR RESPONDING TO A DATA SECURITY  
18 INCIDENT THAT MAY COMPROMISE THE".

19 Page 4, strike lines 22 through 24 and substitute "BREACHED, PURSUANT  
20 TO SECTION 6-1-716; AND

21           (III) INCLUDES GUIDELINES THAT REQUIRE THE DELETION OF A

1 BIOMETRIC IDENTIFIER ON OR BEFORE THE EARLIEST OF".

2 Page 5, strike lines 1 through 13 and substitute:

3 "(B) TWENTY-FOUR MONTHS AFTER THE CONSUMER LAST  
4 INTERACTED WITH THE CONTROLLER; OR

5 (C) THE EARLIEST REASONABLY FEASIBLE DATE, WHICH DATE  
6 MUST BE NO MORE THAN FORTY-FIVE DAYS AFTER A CONTROLLER  
7 DETERMINES THAT STORAGE OF THE BIOMETRIC IDENTIFIER IS NO LONGER  
8 NECESSARY, ADEQUATE, OR RELEVANT TO THE EXPRESS PROCESSING  
9 PURPOSE IDENTIFIED BY A REVIEW CONDUCTED BY THE CONTROLLER AT  
10 LEAST ONCE ANNUALLY. THE CONTROLLER MAY EXTEND THE  
11 FORTY-FIVE-DAY PERIOD DESCRIBED IN THIS SUBSECTION (2)(a)(III)(C) BY  
12 UP TO FORTY-FIVE ADDITIONAL DAYS IF SUCH AN EXTENSION IS  
13 REASONABLY NECESSARY, TAKING INTO ACCOUNT THE COMPLEXITY AND  
14 NUMBER OF BIOMETRIC IDENTIFIERS REQUIRED TO BE DELETED."

15 Reletter succeeding paragraph accordingly.

16 Page 5, strike lines 17 through 21 and substitute "THE PUBLIC:

17 (I) A WRITTEN POLICY THAT APPLIES ONLY TO CURRENT  
18 EMPLOYEES OF THE CONTROLLER;

19 (II) A WRITTEN POLICY THAT IS USED SOLELY BY EMPLOYEES AND  
20 AGENTS OF THE CONTROLLER FOR THE OPERATION OF THE CONTROLLER;  
21 OR

22 (III) THE INTERNAL PROTOCOL FOR RESPONDING TO A DATA  
23 SECURITY INCIDENT THAT MAY COMPROMISE THE SECURITY OF BIOMETRIC  
24 IDENTIFIERS OR BIOMETRIC DATA.

25 (3) **Processors - security breach protocols.** A PROCESSOR OF  
26 BIOMETRIC IDENTIFIERS OR BIOMETRIC DATA MUST HAVE A PROTOCOL FOR  
27 RESPONDING TO A DATA SECURITY INCIDENT THAT MAY COMPROMISE THE  
28 SECURITY OF BIOMETRIC IDENTIFIERS OR BIOMETRIC DATA, INCLUDING A  
29 PROCESS FOR NOTIFYING THE CONTROLLER WHEN THE SECURITY OF A  
30 CONSUMER'S BIOMETRIC IDENTIFIER OR BIOMETRIC DATA HAS BEEN  
31 BREACHED, PURSUANT TO SECTION 6-1-716."

32 Renumber succeeding subsections accordingly.

33 Page 6, line 1, strike "IN WRITING" and substitute "IN A CLEAR,  
34 REASONABLY ACCESSIBLE, AND UNDERSTANDABLE MANNER".

35 Page 6, line 4, strike "IN WRITING" and substitute "IN A CLEAR,  
36 REASONABLY ACCESSIBLE, AND UNDERSTANDABLE MANNER".

- 1 Page 6, line 6, after "IDENTIFIER;" add "AND".
- 2 Page 6, strike lines 8 through 24 and substitute "AUTHORIZED  
3 REPRESENTATIVE IN A CLEAR, REASONABLY ACCESSIBLE, AND  
4 UNDERSTANDABLE MANNER IF THE BIOMETRIC IDENTIFIER WILL BE  
5 DISCLOSED, REDISCLOSED, OR OTHERWISE DISSEMINATED TO A PROCESSOR  
6 AND THE SPECIFIC PURPOSE FOR WHICH THE BIOMETRIC IDENTIFIER IS  
7 BEING SHARED WITH A PROCESSOR."
- 8 Reletter succeeding paragraphs accordingly.
- 9 Page 7, strike lines 1 through 3 and substitute "ENTITY; OR".
- 10 Renumber succeeding subparagraph accordingly.
- 11 Page 7, strike lines 16 through 25 and substitute "THE CONSUMER'S  
12 LEGALLY AUTHORIZED REPRESENTATIVE CONSENTED; OR  
13 (D) THE DISCLOSURE, REDISCLOSURE, OR OTHER DISSEMINATION  
14 IS REQUIRED BY STATE OR FEDERAL LAW."
- 15 Page 8, strike lines 3 through 5 and substitute "PROCESSING OF A  
16 BIOMETRIC IDENTIFIER UNLESS".
- 17 Page 8, strike lines 17 through 27.
- 18 Page 9, strike lines 1 through 21 and substitute "OBTAINED CONSENT AS  
19 DESCRIBED IN SUBSECTION (4)(a) OF THIS SECTION.  
20 (d) A CONTROLLER OR PROCESSOR SHALL STORE, TRANSMIT, AND  
21 PROTECT FROM DISCLOSURE ALL BIOMETRIC IDENTIFIERS USING THE  
22 STANDARD OF CARE WITHIN THE CONTROLLER'S INDUSTRY AND IN  
23 ACCORDANCE WITH SECTIONS 6-1-1305 (4) AND 6-1-1308 (5).  
24 (e) A CONTROLLER SHALL OBTAIN CONSENT FROM A CONSUMER OR  
25 FROM THE CONSUMER'S LEGALLY AUTHORIZED REPRESENTATIVE BEFORE  
26 COLLECTING THE CONSUMER'S BIOMETRIC DATA, AS REQUIRED BY SECTION  
27 6-1-1308 (7).  
28 (5) **Right to access biometric data - applicability - definition.**  
29 (a) EXCEPT AS DESCRIBED IN SUBSECTION (5)(b) OF THIS SECTION, AT THE  
30 REQUEST OF A CONSUMER OR A CONSUMER'S LEGALLY AUTHORIZED  
31 REPRESENTATIVE, A CONTROLLER THAT COLLECTS THE CONSUMER'S  
32 BIOMETRIC DATA SHALL DISCLOSE TO THE CONSUMER, FREE OF CHARGE,  
33 THE CATEGORY OR DESCRIPTION OF THE CONSUMER'S BIOMETRIC DATA  
34 AND THE FOLLOWING INFORMATION:  
35 (I) THE SOURCE FROM WHICH THE CONTROLLER COLLECTED THE

1 BIOMETRIC DATA;  
2 (II) THE PURPOSE FOR WHICH THE CONTROLLER COLLECTED OR  
3 PROCESSED THE BIOMETRIC DATA AND ANY ASSOCIATED PERSONAL DATA;  
4 (III) THE IDENTITY OF ANY THIRD PARTY WITH WHICH THE  
5 CONTROLLER DISCLOSED OR DISCLOSES THE BIOMETRIC DATA AND THE  
6 PURPOSES FOR DISCLOSING; AND  
7 (IV) THE CATEGORY OR A DESCRIPTION OF THE SPECIFIC  
8 BIOMETRIC DATA THAT THE CONTROLLER DISCLOSES TO THIRD PARTIES."

9 Page 10, line 3, strike "IDENTIFIERS" and substitute "DATA".

10 Page 10, line 4, strike "IDENTIFIERS" and substitute "DATA".

11 Page 10, strike lines 13 and 14 and substitute "OTHER CONTROLLER. AS  
12 USED IN THIS SUBSECTION (5)(b)(II), "COMMON BRANDING" MEANS A  
13 SHARED NAME, SERVICE".

14 Page 10, strike lines 18 through 25.

15 Page 11, line 13, strike "OR".

16 Page 11, strike lines 16 and 17 and substitute "IN EXCESS OF THIRTY  
17 MINUTES;

18 (III) IMPROVE OR MONITOR WORKPLACE SAFETY OR SECURITY OR  
19 ENSURE THE SAFETY OR SECURITY OF EMPLOYEES; OR

20 (IV) IMPROVE OR MONITOR THE SAFETY OR SECURITY OF THE  
21 PUBLIC IN THE EVENT OF AN EMERGENCY OR CRISIS SITUATION.

22 (b) AN EMPLOYER AND ITS PROCESSOR MAY COLLECT AND PROCESS  
23 AN EMPLOYEE'S OR".

24 Page 11, line 26, strike "SUBSECTION (6)(a) OF".

25 Page 12, line 1, strike "LIMITED".

26 Page 12, after line 2 insert:

27 "(d) NOTHING IN THIS SECTION RESTRICTS AN EMPLOYER OR ITS  
28 PROCESSOR'S ABILITY TO COLLECT AND PROCESS AN EMPLOYEE'S OR  
29 PROSPECTIVE EMPLOYEE'S BIOMETRIC IDENTIFIER FOR USES ALIGNED WITH  
30 THE REASONABLE EXPECTATIONS OF:

31 (I) AN EMPLOYEE BASED ON THE EMPLOYEE'S JOB DESCRIPTION OR  
32 ROLE; OR

33 (II) A PROSPECTIVE EMPLOYEE BASED ON A REASONABLE

1 BACKGROUND CHECK, APPLICATION, OR IDENTIFICATION REQUIREMENTS  
2 IN ACCORDANCE WITH THIS SECTION."

3 Page 12, line 18, strike "INCLUDE:" and substitute "INCLUDE THE  
4 FOLLOWING UNLESS THE BIOMETRIC DATA IS USED FOR IDENTIFICATION  
5 PURPOSES:".

6 Page 13, strike lines 4 and 5 and substitute:

7 "(d) A FACIAL MAP, FACIAL GEOMETRY, OR FACIAL TEMPLATE; OR  
8 (e) OTHER UNIQUE BIOLOGICAL, PHYSICAL, OR BEHAVIORAL".

9 Page 14, strike lines 1 through 4.

10 Page 14, line 16, after "identifiers" add "and biometric data".

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