

Information Controls, Inc.

## Biometric Information Privacy Act (BIPA) help sheet



**INFORMATION  
CONTROLS**

Human Capital Management Division

## BIPA step-by-step guide

### **Be aware. Be prepared.**

Information Controls, Inc. (ICI) has prepared this step-by-step guide to assist you in identifying if the new regulations regarding the Biometric Information Privacy Act (BIPA) apply to your organization. These steps detail how you can protect your organization and remain in compliance.

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# BIPA IDENTIFICATION

## 1. Ask these questions:

- Does your company use biometric time clocks?
- Does your company have an Employee Biometric Privacy policy?

Does your organization use biometric time clocks?

If you answer 'yes' to the first question, it is critical that you move on and review the other steps. You will want to consider taking these steps even if they aren't required in your area now, as they are likely to in the future. Also, setting these items in place can protect your organization moving forward.

If you are considering biometric clocks in the future, you will also want to continue on to find out more.

## Applicable time clocks



IT-3100 WITH FINGER READER



GT-400



HANDPUNCH X000 OR F-TYPE

# ABOUT THE LAW

Many companies are considering employee privacy concerns.

## 2. Just a few states require participation in BIPA at this time. Identify if you are in one such state.

Currently, the following states have laws regarding biometric information: Illinois, Texas, and Washington.

However, many companies are considering employee privacy concerns.

Here's a link to what everyone should know about the laws.

[https://www.americanbar.org/publications/blt/2016/05/08\\_claypoole.html](https://www.americanbar.org/publications/blt/2016/05/08_claypoole.html)

### Excerpt:

*Fourth, BIPA requires a business to protect biometric data in the same manner it would other sensitive and confidential information in its possession, using the reasonable standard of care within its industry. In addition, the Illinois law requires a business in possession of biometric data to have a publicly available, written policy stating the business's retention schedule for the data and rules governing its destruction and the business must adhere to such policy. (BIPA, § 15(a)).*

The new law requires a business in possession of biometric data to have a publicly available written policy.

*A business may not store biometric data for longer than the earlier of three years from the individual's last interaction with the company or when the initial purpose for collecting the data has been fulfilled.*

# HOW TO MOVE FORWARD

### 3. What do.

What could solve the privacy concerns and meet any requirements?

- a. First notifying the individual of such collection in writing. Next, create an addition to the employee hand book and a form that will be signed for new employees at time of hire.
- b. An Administrator could remove the bio templates at time of termination. This would be done in the Personal Information section of Attendance Enterprise and at the time clock.

### 4. Options available.

Attendance Enterprise could automate your new policy regarding timely destruction of bio templates. When an employee moves from active to terminated, the employee biometric template would be destroyed.

### 5. Why have biometric clocks?

What is the likely user benefit and business benefit:

- Stops buddy punching
- Knowing that the employee did punch in for themselves
- No lost time cards

"The AMERICAN PAYROLL ASSOCIATION estimates that "buddy punching" accounts for up to 5% of gross payroll costs each year."

### 6. The risks.

Action is highly suggested. This is a policy action that would require input from your Human Resources department and your legal counsel.

In Illinois, the penalty for such violation is equal to the greater of \$1,000 or actual damages for negligent violation of BIPA or the greater of \$5,000 or actual damages for intentional or reckless violation of BIPA.



To schedule a **FREE** review of your system and get a quote for service call 815-484-2100 or email tech support [TechSupport@icico.com](mailto:TechSupport@icico.com).

