## Integrity Advocate & BIPA

**Compliance Brief** 

✓Integrity Advocate



## Introduction:

The Illinois legislature unanimously passed the Biometric Information Privacy Act ("BIPA") in 2008. The law ensures that individuals are in control of their own biometric data and prohibits private companies from collecting it unless they meet specific requirements relating to obtaining informed consent.

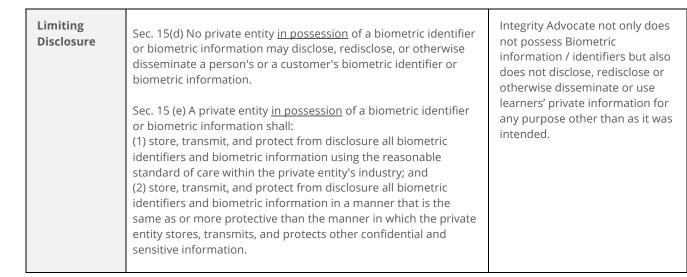
## Purpose & Scope of BIPA

The purpose of the Biometric Information Privacy Act (BIPA) is to establishes standards for how companies must handle Illinois consumers' biometric information. In addition to requiring informed consent, companies are prohibited from receiving a commercial benefit (i.e. selling the data). BIPA is proactive legislation intended to offer consumers protection and a foundation for appropriate legal action.

"Biometric identifier" means a retina or iris scan, fingerprint, voiceprint, or scan of hand or face geometry. Biometric identifiers do not include writing samples, written signatures, photographs" (740 ILCS 14/10)



| Principle           | Requirement   | How Integrity Advocate<br>Complies   |
|---------------------|---|--|
| Possession          | Sec. 15(a) A private entity <u>in possession</u> of biometric identifiers or<br>biometric information must develop a written policy, made<br>available to the public, establishing a retention schedule and<br>guidelines for permanently destroying biometric identifiers and<br>biometric information when the initial purpose for collecting or<br>obtaining such identifiers or information has been satisfied or<br>within 3 years of the individual's last interaction with the private<br>entity, whichever occurs first.  | Integrity Advocate <u>never</u><br>possesses biometric identifiers/<br>information. In fact, no biometric<br>information is required to leave a<br>learner's device no matter what<br>settings or options are selected<br>by an institution.                                   |
| Collection          | <ul> <li>Sec. 15(b) No private entity may <u>collect</u>, <u>capture</u>, <u>purchase</u>, <u>receive</u> through trade, or otherwise obtain a person's or a customer's biometric identifier or biometric information, unless it first: <ul> <li>(1) informs the subject or the subject's legally authorized</li> <li>representative in writing that a biometric identifier or biometric information is being collected or stored;</li> <li>(2) informs the subject or the subject's legally authorized</li> <li>representative in writing of the specific purpose and length of term for which a biometric identifier or biometric information is being collected, and used; and</li> <li>(3) receives a written release executed by the subject of the biometric identifier or biometric information or the subject's legally authorized</li> </ul> </li> </ul> | Integrity Advocate <u>never</u> collects,<br>captures, purchases and or<br>receives biometric identifiers/<br>information.   |
| Unauthorized<br>Use | Sec. 15(c) No private entity <u>in possession</u> of a biometric identifier<br>or biometric information may sell, lease, trade, or otherwise profit<br>from a person's or a customer's biometric identifier or biometric<br>information.  | <u>At no point</u> does Integrity<br>Advocate possess biometric<br>identifiers or biometric<br>information of learners. Because<br>of our adherence to Privacy by<br>Design Integrity Advocate has<br><u>never</u> been in possession of<br>biometric identifiers/information. |





## Conclusion

The challenge to online services providing participation monitoring and proctoring services is to enable the best possible user experience, robust integrity controls and balance it with the required privacy protection for learners. Integrity Advocate's demonstrated compliance with BIPA allows organizations to utilize our services with the confidence.