

1 [Prohibition on biometric imaging as a form of identification unless otherwise required by state
2 law, federal law, or by local voter initiative]

3 **Ordinance amending the San Francisco Administrative Code by adding a new section**
4 **20.35 to prohibit City Departments and contractors from biometric imaging individuals**
5 **as a form of identification unless otherwise required by state law, federal law, or local**
6 **voter initiative; amending the Administrative Code by repealing sections 20.75.15,**
7 **20.105.11, and 20.205.15 which require fingerprinting as a condition of aid eligibility in**
8 **the Personal Assisted Employment Services Program (PAES), Cash Assistance Linked**
9 **to Medi-Cal Program (CALM), and the Supplemental Security Income Pending Program**
10 **(SSIP).**

11 Note: Additions are *single-underline italics Times New Roman*;
12 deletions are *strikethrough italics Times New Roman*.
13 Board amendment additions are double underlined.
14 Board amendment deletions are ~~strikethrough normal~~.

15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. The San Francisco Administrative Code is hereby amended by adding
17 Section 20.35, to read as follows:

18 *Section 20.33. Findings. The Board of Supervisors finds and declares the following:*

19 *(a) Fingerprints are a fundamental form of personal identification and government shall*
20 *safely guard the use of fingerprints in order to protect the privacy rights of individuals;*

21 *(b) Biometric imaging shall only be used when required under state law, federal law, or*
22 *local voter initiative, and the City shall not unduly burden individuals seeking public services by*
23 *requiring them to share such personal identification as a fingerprint or other biological image, and*

1 (c) Biometrically imaging individuals discourages many people from seeking services that
2 they desperately need for fear that their fingerprints or other biological images will be shared with law
3 enforcement or the INS; and

4 (d) Under this Chapter, the City and County of San Francisco wishes to protect the
5 individual privacy rights of its citizens and wants to ensure access to City services without citizens
6 fearing that their personal identification information may be shared with third parties.

7 Sec. 20.34. Definitions. For the purposes of this Chapter, the following definitions shall apply
8 to the terms used herein.

9 (a) "Biometric imaging" refers to photographs or any other form of body imaging, of any
10 part of the body, to be either stored on computers or assigned numbers to be stored on computers, and
11 includes fingerprinting, scanning and fingerimaging.

12 (b) "City" shall mean the City and County of San Francisco, or any department, board,
13 commission or agency thereof.

14 (c) "Contract" shall mean a written agreement for services to be paid for or administered
15 by the City that involves the provision of services.

16 (d) "Contractor" shall mean any person who enters into a contract with the City.

17 (e) "Services" shall mean goods or professional assistance that contribute to the welfare of
18 others and includes but is not limited to the provision of public aid in the form of cash grants, in-kind
19 aid, shelter, and housing. For the purposes of this Chapter, "services" shall not include a license,
20 permit, or employment. Nor shall "services" in this Chapter include medical care and treatment.

21 Sec. 20.35. Biometric Imaging Prohibition. Unless required by state law, federal law, or by
22 local voter initiative, all City Departments and contractors doing business with the City shall not
23 biometrically image individuals.

1 Section 20.36. Exemptions. This Chapter shall not apply to any form of biometric imaging used
2 in the course of medical care and treatment or where such imaging is required as a condition of
3 employment or as a condition of or requirement for a license or permit.

4 Section 2. The San Francisco Administrative Code is hereby amended by repealing
5 sections 20.75.15, 20.105.11, and 20.205.15, which read as follows:

6 ~~Section 20.75.15. Fingerprint Information. All applicants for, and participants in, PAES shall~~
7 ~~be fingerprinted at the Department or at a Department-approved facility in accordance with~~
8 ~~procedures established by the Executive Director. These records shall be used exclusively to prevent~~
9 ~~multiple payments under this Article or any other Federal, State or County assistance program. The~~
10 ~~Executive Director is authorized to create, by regulation, exemptions from this requirement based on~~
11 ~~physical or mental disability. The refusal of an applicant or participant to comply with the fingerprint~~
12 ~~procedures shall be grounds for denial of, or discontinuance from, PAES.~~

13 ~~Fingerprints gathered under this section are subject to all applicable federal and state laws~~
14 ~~governing the confidentiality of information regarding applicants for, or participants of, public~~
15 ~~benefits.~~

16 ~~Section 20.105.11. Fingerprint Information. All applicants for, and recipient of, CALM shall~~
17 ~~be fingerprinted at the Department or at a Department-approved facility in accordance with~~
18 ~~procedures established by the Executive Director. These records shall be used exclusively to prevent~~
19 ~~multiple payments under this Article or any other Federal, State or County assistance program. The~~
20 ~~Executive Director is authorized to create, by regulation, exemptions from this requirement based on~~
21 ~~physical or mental disability. The refusal of an applicant or recipient to comply with the fingerprint~~
22 ~~procedures shall be grounds for denial of, or discontinuance from, CALM.~~

23 ~~Fingerprints gathered under this Section are subject to all applicable Federal and State laws~~
24 ~~governing the confidentiality of information regarding applicants for, or recipient of, public benefits.~~

