

LEXSTAT TEX. BUS. & COM. CODE 35.50

LexisNexis (R) Texas Annotated Statutes
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BUSINESS AND COMMERCE CODE
TITLE 4. MISCELLANEOUS COMMERCIAL PROVISIONS
CHAPTER 35. MISCELLANEOUS [REPEALED APRIL 1, 2009]
SUBCHAPTER D. MISCELLANEOUS

GO TO TEXAS CODE ARCHIVE DIRECTORY

Tex. Bus. & Com. Code § 35.50 (2007)

§ 35.50. [Repealed April 1, 2009] Biometric Identifier

(a) In this section, "biometric identifier" means a retina or iris scan, fingerprint, voiceprint, or record of hand or face geometry.

(b) A person may not capture a biometric identifier of an individual for a commercial purpose unless the person:

- (1) informs the individual before capturing the biometric identifier; and
- (2) receives the individual's consent to capture the biometric identifier.

(c) A person who possesses a biometric identifier of an individual:

- (1) may not sell, lease, or otherwise disclose the biometric identifier to another person unless:
 - (A) the individual consents to the disclosure;
 - (B) the disclosure completes a financial transaction requested or authorized by the individual;
 - (C) the disclosure is required or permitted by a federal statute or by a state statute other than Chapter 552, Government Code; or

- (D) the disclosure is made by or to a law enforcement agency for a law enforcement purpose; and

- (2) shall store, transmit, and protect from disclosure the biometric identifier using reasonable care and in a manner that is the same as or more protective than the manner in which the person stores, transmits, and protects the person's other confidential information.

(d) A person who violates this section is subject to a civil penalty of not more than \$ 25,000 for each violation. The attorney general may institute an action to recover the civil penalty.

HISTORY: Acts 2001, 77th Leg., ch. 634, effective September 1, 2001.

NOTES:

Editor's Notes. --

This section is repealed effective April 1, 2009, pursuant to Acts 2007, 80th Leg., ch. 885 (H.B. 2278), § 2.47.