COMPLIANCE BRIEF

Integrity Advocate & BIPA

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 Complies
Possession	Sec. 15(a) A private entity in possession of biometric identifiers or biometric information must develop a written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying biometric identifiers and biometric information when the initial purpose for collecting or obtaining such identifiers or information has been satisfied or within 3 years of the individual's last interaction with the private entity, whichever occurs first.	Integrity Advocate never possesses biometric identifiers/ information. In fact, no biometric information is required to leave a learner's device no matter what settings or options are selected by an institution.

Principle	Requirement	How Integrity Advocate Complies
Collection	Sec. 15(b) No private entity may collect, capture, purchase, receive through trade, or otherwise obtain a person's or a customer's biometric identifier or biometric information, unless it first: 1. informs the subject or the subject's legally authorized representative in writing that a biometric identifier or biometric information is being collected or stored; 2. informs the subject or the subject's legally authorized representative in writing of the specific purpose and length of term for which a biometric identifier or biometric information is being collected, stored, and used; and 3. receives a written release executed by the subject of the biometric identifier or biometric information or the subject's legally authorized representative.	Integrity Advocate never collects, captures, purchases and or receives biometric identifiers/information.
Unauthorized Use	Sec. 15(c) No private entity in possession of a biometric identifier or biometric information may sell, lease, trade, or otherwise profit from a person's or a customer's biometric identifier or biometric information.	At no point does Integrity Advocate possess biometric identifiers or biometric information of learners. Because of our adherence to Privacy by Design Integrity Advocate has never been in possession of biometric identifiers/information.
Limiting Disclosure	Sec. 15(d) No private entity in possession of a biometric identifier or biometric information may disclose, redisclose, or otherwise disseminate a person's or a customer's biometric identifier or biometric information. Sec. 15 (e) A private entity in possession of a biometric identifier or biometric information shall: 1. store, transmit, and protect from disclosure all biometric identifiers and biometric information using the reasonable standard of care within the private entity's industry; and 2. store, transmit, and protect from disclosure all biometric identifiers and biometric information in a manner that is the same as or more protective than the manner in which the private entity stores, transmits, and protects other confidential and sensitive information.	Integrity Advocate not only does not possess Biometric information / identifiers but also does not disclose, redisclose or otherwise disseminate or use learners' private information for any purpose other than as it was intended.

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.