

**New York City Department of Consumer and Worker Protection**

**Notice of Adoption**

Notice of Adoption to add a new rule to implement Local Law 3 of 2021, which requires, among other things, certain businesses to notify customers of the use of biometric identifier information and prohibits the sale of such information

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of Consumer and Worker Protection by sections 1043 and 2203(f) of the New York City Charter and section 22-1202 of title 22 of the New York City Administrative Code, and in accordance with the requirements of section 1043 of the New York City Charter, that the Department adds chapter 8 to title 6 of the Rules of the City of New York.

This rule was proposed and published on July 29, 2021. A public hearing was held on August 30, 2021.

**Statement of Basis and Purpose of Rule**

The Department of Consumer and Worker Protection (“DCWP” or “Department”) is adding a new rule to implement Local Law 3 of 2021 (“LL 3”). This new law requires, among other things, certain businesses to notify customers of the use of biometric identifier information and prohibits the sale of such information.

LL 3 directs the Commissioner of DCWP to prescribe the form and manner of the sign to be used by businesses to notify customers that biometric identifier information is being collected, retained, converted, stored, or shared. This new rule mandates that covered commercial establishments post a custom sign or a sign provided by the Department on its website in a particular size and manner to comply with LL 3.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

**Rule Amendment**

Section 1. Chapter 8 of Title 6 of the Rules of the City of New York is amended to read as follows:

**Chapter 8: [Transportation Benefits] Biometric Identifier Information**

§ 8-01 Biometric Identifier Information Signage.

To comply with section 22-1202 of chapter 12 of title 22 of the New York City Administrative Code, a commercial establishment covered by such section must post a sign in a clear and conspicuous manner at every entrance used by customers in a size of at least 8.5 inches by 11 inches that discloses if customers’ biometric identifier information is being collected, retained, converted, stored, or shared. The requirements of this section may be fulfilled by posting a color copy of the Biometric Identifier Information Disclosure, as made publicly available on the Department’s website, in a clear and conspicuous manner at every entrance used by customers in a size of at least 8.5 inches by 11 inches.



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Hon. Peter A. Hatch

Re: Requirements for Businesses Using Biometric Identifier Information

No. 2021 RG 023

Dear Commissioner Hatch:

Pursuant to New York City Charter § 1043 subd. c, the above-referenced rule has been reviewed and determined to be within the authority delegated by law to your agency.

Sincerely,

*/s/ Steven L. Goulden*

STEVEN GOULDEN  
Senior Counsel  
Division of Legal Counsel

cc: Andrew Schwenk (DCWP)  
Matilda Sarpong (DCWP)