

HR Checklist for Using Artificial Intelligence, Facial Recognition, and Biometrics

		Item for Review
1.	<input type="checkbox"/>	Determine which laws may apply <ul style="list-style-type: none"> • Comprehensive data privacy <ul style="list-style-type: none"> ◦ California Privacy Rights Act • Biometric information privacy <ul style="list-style-type: none"> ◦ Illinois Biometric Information Privacy Act ◦ Texas Capture or Use of Biometric Identifier ◦ Washington Biometric Identifiers ◦ New York City Ordinance ◦ New York Statute • Facial recognition technology <ul style="list-style-type: none"> ◦ Portland Ordinance ◦ Baltimore Ordinance • Use of AI in employment decisions <ul style="list-style-type: none"> ◦ Illinois Artificial Intelligence Video Interview Act ◦ Maryland Use of Facial Recognition Services • Data breach and security
2.	<input type="checkbox"/>	Consider the possibility that workers may need religious or disability accommodations
3.	<input type="checkbox"/>	Consider whether and how a union should participate in the decision
4.	<input type="checkbox"/>	Evaluate insurance coverage
6.	<input type="checkbox"/>	Perform due diligence on third-party vendors
7.	<input type="checkbox"/>	Get legal review of vendor contracts
8.	<input type="checkbox"/>	Analyze potential for discrimination claims

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9.	<input type="checkbox"/>	Consider strength of data security protections needed
10.	<input type="checkbox"/>	Perform a data audit <ul style="list-style-type: none"> • What type of information is being collected, stored, or used? • Who has access to the data (employees and third parties)? • Where is the data maintained and how long will it be stored? • What is it used for? • Is more data being collected than is necessary?
11.	<input type="checkbox"/>	Determine whether any policies or consents are necessary
12.	<input type="checkbox"/>	Get legal input on limiting liability <ul style="list-style-type: none"> • Arbitration provisions • Class action waivers • Indemnification clauses
13.	<input type="checkbox"/>	Provide privacy and security training to HR personnel
14.	<input type="checkbox"/>	Consider employee perspectives on data privacy
15.	<input type="checkbox"/>	Monitor new legislation
16.	<input type="checkbox"/>	Perform a risk benefit analysis

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