

March 29, 2023

To the House Committee on Education,

My name is Angel Lopez. I am an unofficial advocate of Providence and I attest that my biometric information is not for sale. I write to you all today in opposition to House Bill 5688. This bill will add a chapter and a section to Title 23 and Title 16, respectively. As a knowledgeable and actively engaged resident on the topic of capturing, selling, and trading biometric information this bill is presenting an unfair tradeoff which I am requesting all members of this Committee to stop. Please allow me to explain why.

Parental Right #6 on page 2 allows parents the right to access and review the medical records of their minor child unless prohibited by law or upon application for denial to a competent court.

Parental Right #7 on page 2 allows parents the right to consent in writing before a biometric scan of the minor child is made, shared, or stored.

Parental Right #8 on page 2 allows parents the right to consent in writing before any record of their minor child's blood or DNA is created stored or shared except as required by law or pursuant to a court order.

When I reflect on these "Rights," I can understand the instance where the law would prevent access to a medical record to protect an abused or mistreated child from the accused parent. I can also understand how a warrant issued by the court can allow the seizure of a minor's DNA without parental consent. In contrast, I am not aware of any enacted State Law that prohibits a parent from accessing their own minor child's medical records or that allows a person to capture, store, or share the blood or DNA (which is a subset of Biometric Information) of a minor child without the knowledgeable and informed consent of the parent. It appears that this bill is creating the law that will supersede the parental rights to access medical records pertaining to the biometric information recorded by a school.

For clarification, Section (d) on page 4 regarding parental consent for health care services states, this section does not apply to services provided by a clinical laboratory. The cited and reference law in this bill RI G.L. § 23-16.2-2 defines the term "clinical laboratory" as a facility to examine materials derived from the body. This tells me that this bill is attempting to allow the DNA, blood, or biometric extraction of minors to occur inside and under the direction of school districts, for the purpose of creating a record to be stored and shared. These records of which parental right #6 states, access may be denied to any parent via an application to a competent court.

House Bill 5688 is not a fair tradeoff for parental involvement and parental access to information regarding school curriculum, testing, or extra-curricular activities. All of the items mentioned within the Title 16-71-7 section of this bill, should already be happening or in the works of being implemented and in no way should be funded by sharing the exclusive information of any student in the form of a face, retina, or fingerprint scan, voice, gait, or typing patterns, or DNA.

I ask all of you to hold this bill. I suggest you focus your attention on protecting the privacy of students by developing legislation that places students and parents as the primary beneficiaries.

Sincerely,

Angel Lopez  
*Providence, RI 02909*