

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 1165  
OFFERED BY MR. LYNCH OF MASSACHUSETTS**

Page 10, after line 2, insert the following:

1           “(h) LIMITATION WITH RESPECT TO BIOMETRIC IN-  
2 FORMATION.—

3           “(1) IN GENERAL.—A financial institution may  
4 not collect, use, or disclose to a nonaffiliated third  
5 party any nonpublic personal information that is bio-  
6 metric information of an individual with whom such  
7 financial institution has a customer or consumer re-  
8 lationship unless the financial institution first—

9           “(A) informs the individual in writing that  
10 the biometric information is being collected,  
11 used, or disclosed;

12           “(B) informs the individual in writing of  
13 the specific purpose and length of term for  
14 which the biometric information is being col-  
15 lected, used, or disclosed; and

16           “(C) receives written approval from the in-  
17 dividual.

18           “(2) ANNUAL RENEWAL OF APPROVAL RE-  
19 QUIRED.—Written approval described under para-

1 graph (1)(C) shall terminate after 1 year, but may  
2 be renewed in the same manner as described under  
3 paragraph (1).

4 “(3) EXCEPTION.—Paragraph (1) shall not  
5 apply to the use by a financial institution of non-  
6 public personal information that is biometric infor-  
7 mation of an individual with whom such financial in-  
8 stitution has a customer or consumer relationship,  
9 if—

10 “(A) the biometric information was col-  
11 lected pursuant to written approval described  
12 under paragraph (1)(C); and

13 “(B) the use of the biometric information  
14 is—

15 “(i) necessary to effect, administer, or  
16 enforce a transaction requested or author-  
17 ized by the individual; or

18 “(ii) in connection with servicing or  
19 processing a financial product or service  
20 requested or authorized by the indi-  
21 vidual.”.

