



FINGERPRINTING AT BANKS: A BIG THUMBS DOWN

The ACLU of Massachusetts has received complaints about Bank of America's new policy that requires non-BOA customers who wish to cash a check drawn on an BOA account at a BOA branch to provide a fingerprint on the check they are seeking to cash. While Bank of America says this measure is an effort to reduce and discourage check fraud, we believe the bank has taken a step that could endanger individual liberties.

Fingerprinting of customers is part of a recent trend in the taking and storing of biometric information. While technology is evolving at the speed of light, privacy laws that protect us from abuse have not kept up. To address this void in the law, Massachusetts recently passed new regulations that establish minimum standards for safeguarding personal information that will go into effect in 2009.

Despite the protections that these new laws will offer, there are several important and legitimate civil liberties and privacy concerns when private entities require biometric information of customers.

- How is the information used? While Bank of America has stated that it will turn over copies of check with the fingerprint to police and the FBI in cases of check fraud or theft to see if investigators can match the print and track down the offender, "mission creep" may mean that other uses will be made of the stored digital data.
- Are there adequate prohibitions on the sale, sharing, or transfer of the fingerprint information? It is unclear if the prints could be made available to law enforcement for purposes other than individual cases of theft, or if the information could be shared with other private entities.
- Is the information stored safely? It is unclear if the physical checks or digital images of checks are stored in a manner that could be accessible by persons wishing to use the data for identity theft purposes.
- How necessary and effective is the program? Fingerprinting is not always effective at catching criminals, since the system is prone to false positives and since many persons do not have fingerprints on file with which to compare.

There is no data about whether this new program deters theft or if the costs will be passed on to the customers.

What you can do:

- Refuse to cash your checks at banks that require fingerprints.
- Let your state and federal elected officials know that you find the fingerprint requirement offensive and urge them to enact legislation banning the practice.
- Write a letter to the bank and to your local newspaper expressing concern about the fingerprinting program.
- Become a member of the ACLU of Massachusetts so you can continue to be informed about this and many other important civil liberties issues of today.

For more information, visit www.aclum.org