



March 24, 2026

RE: HF 4005 (Warwas) Biometric data; consent for collection required, sale prohibited, deletion required, and civil penalties imposed

Dear Chair Liebling, Chair Scott, and Members of the Committee,

On behalf of Minnesota Retailers, we appreciate the intent of HF 4005 to strengthen consumer data privacy protections. As we reviewed the bill, we wanted to flag a few areas where it may unintentionally capture retail practices in ways that could create challenges for businesses, employees, and customers.

Some retailers may be using, or looking at using, biometric-enabled tools to enhance safety and address organized retail crime. These tools can help identify career criminals and protect employees and customers. As drafted, the consent requirements could limit the effectiveness of these tools in situations where they are used for such purposes.

Similarly, retailers could use biometric systems for secure access in stores, warehouses, and distribution centers. The bill's requirements around consent, tracking, and deletion may be difficult to operationalize across a workforce and multiple locations.

We also see potential tension between the bill's data deletion requirements and existing obligations to retain certain records related to wage compliance, workplace incidents, and theft investigations. Clarifying how these requirements interact would be helpful.

In addition, the civil penalty structure, without clear standards or safe harbors, could create exposure for technical or inadvertent violations. This may discourage the use of technologies that support safety and efficiency.

Finally, we want to flag that, without additional clarity, certain customer-facing technologies—such as identity verification for age-restricted sales—could be unintentionally included within the scope.

We would welcome the opportunity to work with the author and the Committee to ensure the bill achieves its goals while also reflecting how these technologies could be used in retail settings.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Nustad".

Bruce Nustad
president
bruce@mnretail.org

March 24, 2026

The Honorable Peggy Scott
Co-Chair, Minnesota House Committee on Judiciary, Finance and Civil Law
658 Cedar St.
Saint Paul, Minnesota 55155

The Honorable Tina Liebling
Co Chair, Minnesota House Committee on Judiciary, Finance and Civil Law
658 Cedar St.
Saint Paul, Minnesota 55155

RE: HF 4005 – Opposition

Dear Chairs Scott, Liebling, and Members of the Committee:

On behalf of TechNet, I write in opposition to HF 4005. TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of American innovation by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes 100 dynamic American businesses ranging from startups to the most iconic companies on the planet and represents five million employees and countless customers in the fields of information technology, artificial intelligence, e-commerce, the sharing and gig economies, advanced energy, transportation, cybersecurity, venture capital, and finance.

We appreciate the Committee's commitment to protecting sensitive data, including biometric information. We also appreciate the author, Representative Warwas for his willingness to engage with us, and we look forward to continuing to work with him on this issue.

However, HF 4005 is unnecessary given Minnesota's existing comprehensive privacy law—effective July 2025—which already provides strong protections for biometric data, including consent requirements, revocation rights, data minimization, security obligations, and mandatory privacy assessments. This framework aligns with other states and provides a consistent, workable approach.

HF 4005 would instead create a separate and broader regime that conflicts with existing law. The bill defines biometric data to include images or descriptions that may identify an individual—an expansion beyond commonly accepted definitions

and inconsistent with Minnesota's current statute. This creates confusion and introduces conflicting compliance obligations.

The bill also imposes highly restrictive limitations on disclosure without distinguishing between harmful uses and routine or beneficial ones. Without clear guardrails—such as limiting scope to commercial or secondary uses—these provisions risk overregulating standard practices and limiting the availability of useful technologies.

Additionally, HF 4005 does not adequately account for privacy-enhancing technologies such as on-device processing or end-to-end encryption, where companies may not access underlying biometric data. Without clear exemptions, the bill could discourage the use of technologies that strengthen consumer privacy.

Experience in other states highlights these risks. Illinois' biometric law has led companies to limit or disable product features and has created barriers to accessing camera footage in important contexts, including criminal investigations. Similar outcomes have occurred in Texas. Minnesota should avoid adopting a framework that results in reduced functionality, higher costs, and unintended public safety impacts.

Finally, the bill creates uncertainty around enforcement and litigation risk. Illinois has seen significant class action activity under its biometric law, contributing to a challenging and unpredictable regulatory environment.

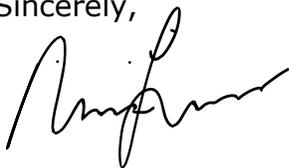
Minnesota already has a strong, comprehensive privacy framework in place. Rather than layering on a conflicting standalone regime, we encourage a collaborative approach that builds on existing law while maintaining clarity and flexibility for innovation.

For these reasons, we respectfully urge the Committee not to advance HF 4005 in its current form.

Sincerely,

Ninia Linero
Executive Director, Illinois and the Midwest
TechNet

Sincerely,

A handwritten signature in black ink, appearing to read 'Ninia Linero', written in a cursive style.

Ninia Linero

Executive Director, Illinois & the Midwest
TechNet