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Rip Van Wrinkle: The Grandfather of Biometric Laws Awakens



In February, the Texas attorney general brought the first enforcement action under Texas' Capture of Use of Biometric law.

CUBI was the first state law to govern the collection and use of biometric data, predating the more well-known Illinois law by seven years.

This update explores (1) the key differences between CUBI and the Illinois Biometric Information Protection Act, (2) what the Texas attorney general's recent allegations may suggest about its interpretation of CUBI, and (3) CUBI risk mitigation practices for entities that collect or possess certain kinds of biometric data.

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