Ban on government use of face surveillance:
A model bill

Section 1. Definitions.

a. "Face surveillance" means an automated or semi-automated process that assists in identifying or verifying an individual, or captures information about them, based on the physical characteristics of their face.

b. "Face surveillance system" means any computer software or application that performs face surveillance.

c. "__ [name of government unit]" means any department, agency, bureau, and/or subordinate division of __ [name of government unit].

d. "__ [name of government unit] official" means any person or entity acting on behalf of __ [name of government unit], including any officer, employee, agent, contractor, subcontractor, or vendor.

Section 2. Ban on government use of face surveillance.

It shall be unlawful for __ [name of government unit] or any __ [name of government unit] official to obtain, retain, access, or use:

a. any face surveillance system; or

b. any information obtained from any face surveillance system.

Section 3. Enforcement

a. Suppression. No data collected or derived from any use of face surveillance in violation of this law, and no evidence derived therefrom, may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority subject to the jurisdiction of __ [name of government unit]. Data collected or derived in violation of this law shall be considered unlawfully obtained, and shall be deleted upon discovery.

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b. Private cause of action.

i. Any violation of this law constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce this law. An action instituted under this paragraph shall be brought against __ [name of government unit].

ii. Any person who has been subjected to face surveillance in violation of this law, or about whom information has been obtained, retained, accessed, or used in violation of this law, may institute proceedings in any court of competent jurisdiction against __ [name of government unit] and shall be entitled to recover actual damages, but not less than liquidated damages of $1,000 or $100 for each violation, whichever is greater.

iii. A court shall award costs and reasonable attorneys' fees to a plaintiff who is the prevailing party in an action brought under Section 3(b)(i) or 3(b)(ii).

c. Training and discipline. Violations of this law by an employee of __ [name of government unit] shall result in consequences that may include retraining, suspension, or termination, subject to due process requirements.

Appendix:
Laws and bills against government use of face surveillance

San Francisco (CA) ordinance:

https://www.eff.org/document/stop-secret-surveillance-ordinance-05062019

Somerville (MA) ordinance:
http://somervillecityma.iqm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=2926&MediaPosition=2219.261&ID=20991&CssClass

Oakland (CA) ordinance:

https://oakland.legistar.com/View.ashx?M=F&ID=7313849&GUID=19E37810-7388-432F-8764-F4213347FBD2

A State of California bill (AB 1215):

https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201920200AB1215

A Commonwealth of Massachusetts bill (S 1385):

https://malegislature.gov/Bills/191/s1385

A State of Washington bill (HB 1654):

https://app.leg.wa.gov/billsummary?Year=2019&BillNumber=1654

A Berkeley (CA) bill:

https://www.eff.org/document/berkeley-face-surveillance-ban