FTC Staff Report:

Facing Facts - Best Practices for Common Uses of Facial Recognition Technologies

NTIA Privacy Multistakeholder Meeting
March 25, 2014

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The views expressed are those of the speaker and not necessarily those of the FTC.

Face Facts: A Forum on Facial Recognition Technology

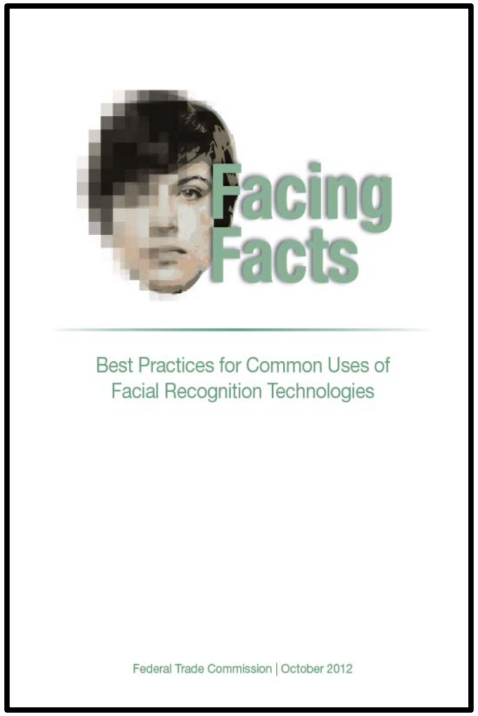
December 8, 2011

- **Panelists discussed a range of technologies**:
  - pure facial detection
  - age and gender recognition
  - emotion recognition
  - facial recognition
- **Major topics included**:
  - Advances in the technology
  - Current and potential future commercial uses
  - Benefits & privacy concerns

Public Comment Period
December 2011 - January 2012

- **Issues for comment included**:
  - Current and future uses
  - Benefits to consumers
  - Privacy and security concerns
  - Best practices for building privacy into products and when and how to provide consumers with notice and choice
- **The FTC received 80 public comments from a variety of stakeholders**

FTC Staff Report: Facing Facts – Best Practices for Common Uses of Facial Recognition Technologies October 2012



Facing Facts

Best Practices for Common Uses of Facial Recognition Technologies

Federal Trade Commission | October 2012

Important Points:

- The report contains recommendations for best practices
    - It is not a template for law enforcement actions or regulations under laws currently enforced by the FTC
- The recommendations build on the workshop and the public comments
- The report uses 3 case studies as an example to discuss best practices

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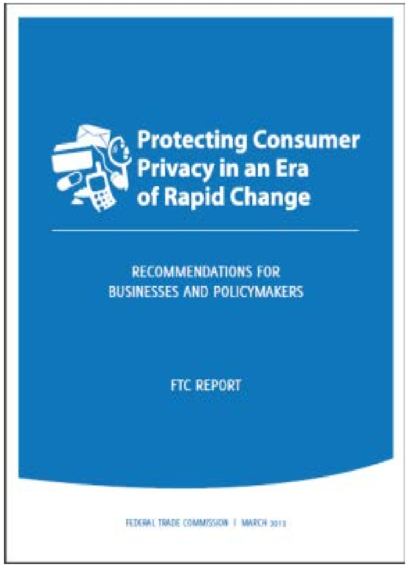
- The recommendations describe how companies can implement the principles contained in the FTC's March 2012 Privacy Report:



Protecting Consumer Privacy in an Era of Rapid Change

RECOMMENDATIONS FOR BUSINESSES AND POLICYMAKERS

FTC REPORT

FEDERAL TRADE COMMISSION | MARCH 2012

- **Privacy by Design**
- **Simplified Consumer Choice**
- **Transparency**

Case Study: Detection or Recognition of Demographic Characteristics in Digital Signs

Privacy by Design:

- Reasonable data security protections to prevent unauthorized access to the images
- No signs in sensitive areas
- Limited data retention

Simplified Choice & Increased Transparency:

- Clear notice to consumers that these signs are in use – before the consumer comes into contact with the sign
- Obtain affirmative express consent before individually identifying consumers through these signs

Case Study: Facial Recognition in Online Social Networks

Privacy by Design:

- Reasonable data security for the database of images & biometric data
- Protections in place to prevent unauthorized scraping of publicly available images in the database
- Appropriate retention and disposal practices

Case Study: Facial Recognition in Online Social Networks (continued)

Simplified Choice and Increased Transparency:

- Clear notice – outside of a privacy policy – when the feature is rolled out

- Offer consumers an easy to find choice not to have biometric data collected and used for facial recognition

- Do not collect or store biometric data of non-users of the service because there is no context in which to provide such non-users with a choice about these practices

Case Study: Facial Recognition in Online Social Networks (continued)

Situations in which affirmative express consent should be obtained:

- Before using a consumer’s image or biometric data in a materially different manner than represented when the company collected the data

- Identifying a user to another user who is not their “friend”

- Recommendation applies beyond social networks:

  - Only identify anonymous images of consumers to someone who could not otherwise identify them if the consumer has affirmatively opted in to such a system

Questions?