## Facebook's Patents Prove That Push for Zuckerberg's Facial Recognition Tech Should Prompt Horror In Private Citizens

Minh Uong/The New York Times

By Natasha Singer

When Facebook rolled out facial recognition tools in the European Union this year, it promoted the technology as a way to help people safeguard their online identities.

"Face recognition technology allows us to help protect you from a stranger using your photo to impersonate you," Facebook told its users in Europe.

It was a risky move by the social network. Six years earlier, it had deactivated the technology in Europe after regulators there <u>raised questions</u> about its facial recognition consent system. Now, Facebook was reintroducing the service as part of an update of its user permission process in Europe.

Yet Facebook is taking a huge reputational risk in aggressively pushing the technology at a time when its data-mining practices are under heightened scrutiny in the United States and Europe.

Already, more than a dozen privacy and consumer groups, and at Facebook's push to spread facial recognition also puts the company least a few officials, argue that the company's use of facial at the center of a broader and intensifying debate about how the recognition has violated people's privacy by not obtaining powerful technology should be handled. The technology can be used appropriate user consent. The complaints add to the barrage of to remotely identify people by name without their knowledge or criticism facing the Silicon Valley giant over its handling of users' consent. While proponents view it as a high-tech tool to catch personal details. Several American government agencies are

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Facial recognition works by scanning faces of unnamed people in photos or videos and then matching codes of their facial patterns to those in a database of named people. Facebook has said that users are in charge of that process, telling them: "You control face recognition."

But critics said people cannot actually control the technology — because Facebook scans their faces in photos even when their facial recognition setting is turned off.

"Facebook tries to explain their practices in ways that make Facebook look like the good guy, that they are somehow protecting your privacy," said Jennifer Lynch, a senior staff attorney with the Electronic Frontier Foundation, a digital rights group. "But it doesn't get at the fact that they are scanning every photo." Rochelle Nadhiri, a Facebook spokeswoman, said its system analyzes faces in users' photos to check whether they match with those who have their facial recognition setting turned on. If the system cannot find a match, she said, it does not identify the unknown face and Atthe drawt of the is the facebook's approach to user consent.

In the European Union, a tough new data protection law called the General Data Protection Regulation now requires companies to obtain explicit and "freely given" consent before collecting sensitive information like facial data. Some critics, including the former government official who originally proposed the new law, contend that Facebook tried to improperly influence user consent by promoting facial recognition as an identity protection tool.

Facebook notified users in Europe this year that they could choose to turn on the social network's facial recognition services. Some critics say Facebook tried to manipulate consent by promoting the service as an identity protection tool.

"Facebook is somehow threatening me that, if I do not buy into face recognition, I will be in danger," said Viviane Reding, <u>the former</u> <u>justice commissioner</u> of the European Commission who is now a member of the European Parliament. "It goes completely against the European law because it tries to manipulate consent."

European regulators also have concerns about Facebook's facial recognition practices. In Ireland, where Facebook's international headquarters are, a spokeswoman for the Data Protection Commission said regulators "have put a number of specific queries to Facebook in respect of this technology." Regulators were assessing Facebook's responses, she said.

In the United States, Facebook is fighting a lawsuit brought by Illinois residents claiming the company's face recognition practices violated a state privacy law. Damages in the case, certified as a class action in April, could amount to <u>billions of dollars</u>. In May, an

appeals court granted Facebook's request to delay the trial and review the class certification order. Facebook routinely makes misrepresentations to induce consumers to adopt wider and more pervasive uses of facial nikki Sokol, associate general counsel at Facebook, said in a recognition technology," the complaint said we will defend our selves yieography. "Separately privacy and consumer cess to groups lodged a complaint with the Federal Trave Countisapproach and it is a consumer company with the complaint with the Federal Trave Countisapproach will envoye an regulators. As to the privacy groups complaint, she feature to help identify impersonators without obtaining prior and the social network had not meet usely about expanded facial consent from people before turning it on. The groups argued that Facebook violated a 2011 consent decree that prohibits it from "We privacy information to people about how we use face recognition technology," Ms. Nadhiri wrote in an email. The company's recently updated privacy section, she added, "shows people how the setting works in simple language."

Facebook is hardly the only tech giant to embrace facial recognition technology. Over the last few years, Amazon, Apple, Facebook, Google and Microsoft have filed facial recognition patent applications.

In May, civil liberties groups criticized Amazon for marketing <u>facial</u> <u>technology</u>, called Rekognition, <u>to police departments</u>. The company has said the technology has also been used to find lost children at amusement parks and other purposes. (The New York Times has also <u>used Amazon's technology, including</u> for the recent royal wedding.)

Critics said Facebook took an early lead in consumer facial recognition services partly by turning on the technology as the default option for users. In 2010, it introduced a photo-labeling feature called <a href="Tag Suggestions">Tag Suggestions</a> that used face-matching software to suggest the names of people in users' photos. People could turn it off. But privacy experts said Facebook had neither obtained users' Opteinatons emphisization tepholikhydriaste Novietily enformer behave of the theory of the continuous and the theory of the continuous and the could analyte tithe falces attein in the could analyte tithe falces attein the could be a falce of the could be atteined to the could be

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