

Formal warning from AP to supermarket for facial recognition

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Camera surveillance in shops, restaurants and sports clubsBiometricsAI & algorithms

The Dutch Data Protection Authority (AP) has issued a formal warning to a supermarket because of the use of facial recognition. Although the facial recognition system has been disabled since December 2019, the supermarket had the desire to re-enable it.

The supermarket said it used facial recognition to protect shoppers and staff, and to prevent shoplifting. The system was linked to cameras at the entrance of the store.

For example, the face of everyone who entered the store was registered. And then compared to a database of faces of people who were previously banned from shopping. The faces of people without a shopping ban were erased after a few seconds.

Following signals from the media, the AP requested information from the owner of the supermarket on December 6, 2019. On December 8, 2019, the supermarket turned off the facial recognition system. But in the documents supplied to the AP, the entrepreneur writes that he wishes to reactivate the system.

Facial recognition prohibited

"It should not happen that this supermarket, or any other store in the Netherlands, just uses facial recognition," says AP vice-chairman Monique Verdier. 'In most cases, the use of this technique outside the home is therefore prohibited. And that is not for nothing.'

Walking Barcodes

"Face recognition turns us into walking barcodes," says Verdier. "Every time you enter a shop, stadium or event hall with facial recognition, that system scans your face. Without asking. By putting your face in a search engine, such a system could also link your face to your name and other data. For example via a social media profile."

"Such a system can then determine what to do with that barcode. Are you a suspect? Are you interesting as a customer? And is it valuable to keep an eye on your buying behavior in order to create a profile? If we fill the country with facial recognition cameras, we can all be followed continuously.'

Two exceptions

Facial recognition uses biometric data to identify someone. The use of facial recognition for security is prohibited, with two

exceptions.

One is that the people filmed have given explicit permission. Now, according to the supermarket entrepreneur, customers were warned that the supermarket used facial recognition, but there is no explicit permission.

"Simply entering the supermarket under the guise of 'who is silent consents' does not count as permission," says Verdier.

The other exception is when facial recognition is necessary for authentication or security, but only where there is an overriding public interest. The supermarket thinks that is the case. The AP finds that this is not the case.

Verdier: "The only example of the law is the security of a nuclear power plant. So the bar is high. Preventing shoplifting is very different from preventing a nuclear disaster."