Automatic language assistance systems - clear steps to implement data protection regulations by Google and other providers required

After media reports on the practice of transcribing voice recordings by the Google Assistant and Google's announcement that it would stop this practice for at least three months, the Hamburg Commissioner for Data Protection and Freedom of Information (HmbBfDI) explained the legal requirements to Google representatives last week , which must be implemented before the offending practice can be resumed.

Johannes Caspar, Hamburg's representative for data protection and freedom of information: "We have made it clear to the representatives of Google that the essential requirements for the operation of the Google Assistant are currently not met. This not only applies to the practice of transcribing, but also to the overall processing of audio data that is generated when operating the language assistance system."

In particular, the following requirements are involved:

As long as the transcription and evaluation of audio recordings from voice assistance systems by humans does not meet GDPR standards, this practice will not be carried out.

The legal basis for storing audio recordings is to obtain user consent (opt-in). This already applies to regular operation, even if there is no transcription and evaluation of malfunctions by humans.

Language assistance systems are incorrectly activated in an undefined percentage of cases. Voice recordings without users' knowledge or intention pose a high risk to the privacy of users and others such as visitors and children. Transparent information about the risk of false triggering is therefore a key requirement for processing audio data.

Human transcription of voice recordings amplifies the impact on users' privacy rights. The evaluation of audio excerpts by contractors or employees to improve language assistance systems without additional informed consent to this practice violates the data protection rights and freedoms of users.

Users must be informed that the privacy rights and freedoms of others may be affected when using voice assistance systems. This is particularly important when considering the possibility that voice recordings may be incorrectly processed by non-users. The use of technologies such as voice recognition can protect the rights of non-users, particularly by preventing the collection of audio recordings of their voices.

At the meeting, Google promised to keep the HmbBfDI up to date on future measures and changes - as prerequisites for lawful, fair and transparent data processing of voice recordings.

In conclusion, Johannes Caspar: "Our discussions showed that Google is willing to make changes to improve the language assistance system based on machine learning before resuming the practice of transcribing. This then has to be checked. For the time being, supervisory measures in the emergency procedure will therefore be refrained from. If it turns out that transcribing is resumed contrary to the legal requirements of the GDPR, urgent measures can be taken at any time to protect the privacy of users.

It should also be pointed out that the discussion about protecting the rights and freedoms of those affected does not only affect Google, but all other providers of speech analysis services. Globally active companies such as Apple, Amazon and Microsoft, for which the HmbBfDI is not responsible for issuing urgent supervisory measures, are also addressed here to implement the legal requirements quickly. This also applies in particular to Facebook Inc., where, as part of Facebook Messenger, a systematic manual evaluation was carried out not only of human-to-machine communication but also of human-to-human communication in order to improve the transcription function offered there. This is currently the subject of a separate investigation."

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