

Introduction of automated face recognition objected to

No legal basis for the creation of biometric facial prints by the Hamburg police evident

08/31/2018 • HmbBfDI

After a comprehensive examination, the HmbBfDI objected to the use of an automated face recognition procedure by the Hamburg police as violating data protection. The objection is based on the following facts: On the occasion of the G20 summit, the Hamburg police collected a total of 100 terabytes of image and video material to prosecute committed crimes. Of these, 17 TB were first merged into one database. The material comes from completely different sources: over a period of sometimes more than four days during the G20 summit, the video recordings were taken from various S-Bahn stations, private individuals were asked to upload their own image and video files via a portal, and Own recordings by the police as well as images from media reports were used.

By using the specially purchased software "Videmo 360", all faces of people who were on the extensive video and image material were biometrically processed without exception. The software read out prominent points on the human face and saved them as mathematical models (so-called face templates) that could be called up and compared.

If there are actual indications that certain people have committed a crime, the police use the database to search for pictures of people. The procedure enables a search in two directions: for unknown persons, of whom only video or image recordings from the various sources are available, as well as the inverse search for persons known by name, of whom the police already have pictures elsewhere, but no of the summit events of that time.

With automated face recognition, a new technology is being introduced in real operation in Hamburg, the use of which massively shifts the legally balanced balance between informational self-determination and state intervention powers for criminal prosecution at the expense of the privacy of citizens.

The technology opens up ways to track down and monitor people that the human eye is far from capable of. This is not about the original collection of videos or images by the police or other responsible bodies, but about the biometric measurement of all faces contained in the comprehensive image material, without the vast majority of those affected having given cause to do so through their own behavior, and the storage of this data for a longer period of time as a reference data base for matching with specific persons.

In terms of forensic technology, the prosecution authorities are thus opening up a new dimension of state investigative and

control options. Wherever image material of public space is available, people's profiles can be comprehensively formed in the future: the locations of individual people can be reconstructed over longer periods of time, movement profiles can be created and relationships with other people can be documented. This information, such as participation in a meeting, allows conclusions to be drawn about behavioral patterns and preferences of the individual. The linking options open up a wide range of possible uses, which both affect the fundamentally protected interests of the data subject in secrecy and can also entail subsequent interference with his or her freedom of conduct.

After an intensive legal examination and evaluation of the procedure, the HmbBfDI came to the conclusion that the generation of mathematical facial models of an unlimited number of citizens without suspicion in the city area over a period of at least several days and their storage for an indefinite period of time requires a special legal authority that justifies the intervention in the right to informational self-determination. Neither the prerequisites nor the scope of such procedures for biometric mass data processing are currently determined by law, nor are there procedural regulations that specify the protection of the rights and freedoms of those affected in a proportionate manner in relation to the generation of face IDs.

Johannes Caspar, Hamburg's representative for data protection and freedom of information: "If the accumulation of criminal offenses is already sufficient to enable the investigating authorities not only to access countless image files, but also to evaluate the biometric identities of thousands of uninvolved persons almost unlimited in terms of time and place, mediates the domination of images a new intensity of state powers of surveillance and intervention, which are highly prone to abuse. In the constitutional state, it is up to the legislature to formulate clear substantive specifications and procedural guarantees for those affected for such interventions that are sensitive to fundamental rights by means of instruments that involve a great deal of intervention. It must not be left solely to the assessment of law enforcement authorities on the basis of general principles to carry out biometric mass data collection to identify criminals. The Federal Constitutional Court has demanded compliance with such constitutional principles, for example in the case of dragnet searches and even for the automatic scanning of vehicle license plates. As long as the legislature refrains from formulating clear specifications for the use of this technology, corresponding measures cannot be based on an unspecific catch-all competence of general clauses. I assume that the complaint will result in the use of this procedure being stopped and the biometric data collected without a legal basis being deleted."

[Download the HmbBfDI test report \(PDF\)](#)

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