

Home »Practice» Opinions of the CPDP for 2018 »Opinion of the CPDP on the legality of the processing of biometric data for the purpose of identifying customers when calling by phone (Voice Biometrics) Opinion of the CPDP on the legality of processing biometric data for the purpose of identifying customers when calling by phone (Voice Biometrics) OPINION OF THE PERSONAL DATA PROTECTION COMMISSION Reg. № NDMSPO-01-274 / 27.04.2018 Sofia, 25.09.2019 SUBJECT: Violina Marinova - Chief Executive Officer and Ms. Diana Miteva - Executive Director of DSK Bank on the legality of processing biometric data of customers for identification in case of requests for assistance and information by calling the Commission for Personal Protection Data (CPDP) composed of: Chairman: Ventsislav Karadjov and Members: Tsanko Tsolov, Tsvetelin Sofroniev, Maria Mateva and Veselin Tselkov at a meeting held in and on July 25, 2018, considered the received requests for opinion from Ms. Violina Marinova - Chief Executive Officer and Ms. Diana Miteva - Executive Director of DSK Bank, with ent. № NDMSPO-01-274 / 27.04.2018. The sent letter notes the desire of DSK Bank to introduce a system for customer identification by voice biometrics "VoiceBiometrics", which should be implemented in the Contact Center for identification of: - the need to assist the bank's customers with the products and services they use, and the telephone call will be used in combination with the recognition. - obtaining information on account balance and movement - a combination of three methods for customer identification will be used - telephone, Voicebiometrics and the last four digits of an active bank card. For the purpose of drafting the opinion, more detailed information is provided on: 1. Voicebiometrics characteristics - verification of the user's identity by pre-made voice print, which will depend on the basic physical configuration of the mouth and throat, diaphragm, speech rate, pauses in breathing, intonation, etc., which are expressed as values by mathematical methods used. 2. The application and registration process under the new system: 2.1. The client will state the method in a bank branch. 2.2. The Client signs a Request for use of the method as an opportunity for identification, as well as explicit consent for the processing of his personal data, as the bank provides information about the method of data collection and the purposes of processing. 2.3. Three reference messages will be recorded, representing the same phrase that the client utters. The messages are recorded in front of a bank employee, and the text is the same for all customers. 2.4. The records will be linked to the corresponding customer number. 2.5. The document signed by the client will be kept in the bank within the statutory deadlines. 3. The procedure for change and refusal of the service - there is a possibility for refusal and change by signing a document prepared for this purpose in a branch of the bank. In case of refusal, the customer data collected through the voice recognition system will be deleted. 4. The manner of using the identification service by voice recognition: 4.1. Identification of

the client by phone number and whether he is listed in the database of clients who are registered for the Voicebiometrics service. 4.2. After recognizing the client by phone, voice identification will be performed by pronouncing the reference message. Upon successful completion of the recognition, the person will be able to choose which of the two customer service options to choose. 4.3. If he chooses the option to track the movement of funds on his account, the client will be able to enter the last 4 digits of the active bank card number, and a subsequent check with the last four digits of one of the client's active cards. The person is then directed to receive information about the balance and movement on the account through an automatic menu on the bank's phone or through an operator. 5. Terms for storage of biometric data - the types of data for storage are determined: 5.1. Records of the three reference messages delivered by the client; 5.2. Records of messages through which the individual is identified through the automatic menu. 5.3. The voice imprints that will be used to perform the comparative analysis when performing the identification by voice. The purpose of storage is the need to prove the identification of the customer in case of claims. The data will be stored in encrypted form in a secure environment on the bank's server, with strictly limited access only when necessary and for a specific case. The storage terms are up to 5 years from the termination of the client's contractual relationship with the bank. 6. Validity of a service - from the signing of the Request for use of the service by the client to its termination by signing a Request for termination of the service or until the termination of the contractual relationship of the client with the bank. Legal analysis: The right to the protection of personal data is a fundamental right protected by Regulation (EU) 2016/679 (General Data Protection Regulation). It is the normative act defining the rules related to the protection of personal data of individuals during their processing. The General Regulation builds on the previous data protection regime introduced by Directive 95/46, which was transposed into the Bulgarian Personal Data Protection Act, taking into account the dynamics of the development of activities and technologies for personal data processing. The use of voice recognition as a system for identification of individuals is not explicitly regulated in Bulgarian legislation. In the absence of specific legislation, it should be analyzed in the context of Regulation (EU) 2016/679, applicable from 25 May 2018. Useful guidelines are also contained in Opinion 3/2012 on the development of biometric technologies of the former Working Group on Art. 29. The method of identification proposed by the bank includes the use of a voice print, which is a digital representation of the unique characteristics of a person's voice and therefore falls within the definition of "biometric data" under Art. 4, item 14 of Regulation (EU) 2016/679. Insofar as in the specific case the biometric data will be used by the administrator only for the purposes of identification of a natural person, then they are a special category of personal data under Art. 9 of the General

Regulation and require enhanced protection of the rights and freedoms of the data subjects concerned. The provision of Art. 9, para. 2 of the General Regulation allows lawful processing of special categories of personal data under certain conditions. Applicable in this case is the hypothesis of Art. 9, para. 2, p. "A", namely the "data subject has given his or her explicit consent to the processing of such personal data for one or more specific purposes". As can be seen from the information provided, DSK Bank has correctly provided the explicit consent as a legal basis for the data processing. In Art. Article 7 of the General Regulation sets out the various conditions for consent, including accountability, the right to withdraw consent and the prohibition on performance of a contract, including the provision of a service, subject to consent to the processing of personal data, which is not necessary. for the performance of the contract in question. The data subject should also be informed of the consequences of refusing to consent to the processing of certain categories of personal data, in this case voice biometrics. In order to comply with the above requirements, the data controller should give the bank's customer the right to choose from alternative identification methods, which do not include the processing of biometric data, respectively the possibility of subsequent refusal without causes negative consequences for him. This will also avoid the possible risk of discrimination against users of banking services who, for medical or other reasons, do not use voice biometrics properly. Another important principle is the requirement of good faith and transparency, which should be met by providing concise and comprehensible information in an easily accessible form and in clear and simple language (argument of Article 12 of the General Regulation). The information should include the elements specified in Art. 13 of the General Regulation, incl. information on the rights of individuals in connection with the processing of their personal data, deadlines for data retention, recipients of information from the biometric system, the existence of possible transmission (transfer) of data to third parties, etc. In view of the increased risk to data subjects, the controller should pay particular attention to the mandatory requirements relating to "limitation of purposes" as well as "limitation of storage" (Article 5 (1) (b)). (E) of the General Regulation). The protection of banking secrecy and the prevention of attempted fraud and other abuses directly affecting the financial interests of the bank's customers are, in principle, a proportionate objective that justifies the use of biometric data. Also, the proposed term of data storage - up to 5 years from the termination of the contractual relationship of the person with the bank, is not excessive and is consistent with the term of the general limitation period under Art. 110 of the Law on Obligations and Contracts. No less important in this case are the principles of "accuracy" and "integrity and confidentiality" (Article 5, paragraph 1, points "d" and "e" of the General Regulation), insofar as voice biometric data will be Given the above, the personal data controller should take the necessary

measures to comply with the requirements of the General Data Protection Regulation in view of the responsibility it bears when using the bank. the system and the obligation to prove to the CPDP the adequacy and effectiveness of Voice biometric. An effective way to fulfill the obligations of the administrator is the application of appropriate technical and organizational measures for data protection at the design stage and by default within the meaning of Art. 25 of Regulation (EU) 2016/679. Voice Biometrics is a new technology that, due to its nature, scope, context and purposes of processing, can pose a high risk to the rights and freedoms of individuals. For this reason and on the grounds of Art. 35 of Regulation (EU) 2016/679, the administrator of DSK Bank must carry out an assessment of the impact of the envisaged processing operations on the protection of personal data.

In view of the above and on the grounds of Art. 58 (3) (b) of Regulation (EU) 2016/679, the Commission for Personal Data Protection adopted the following:

OPINION:

1. The implementation by DSK of the VoiceBiometrics voice recognition system in order to provide services on issues and problems requiring authentication of the client in connection with the management, use or ordering of banking products, as well as as an opportunity to obtain information on the balance and the movement on the account can be carried out under the following conditions:

- a) Existence of explicit consent of the bank's clients in writing, after they have been informed in detail about the purposes, methods and risks in the processing of their personal data with the introduced system;
- b) Ensuring the right to choose alternative methods of identification, which do not include processing of biometric data, respectively the possibility to refuse the service, without causing negative consequences for individuals - customers of the bank.

2. The administrator of DSK Bank shall obligatorily assess the impact of the envisaged processing operations on the protection of personal data under Art. 35 of Regulation (EU) 2016/679 in the introduction of the Voice Biometrics customer identification system through voice biometrics, insofar as it is a new technology which due to its nature, scope, context and purposes of processing may pose a high risk to rights and the freedoms of individuals.

3. When implementing the Voice biometrics voice recognition system, the bank should comply with the requirements of the special regulations and by-laws for performing banking activities.

THE CHAIRMAN:

MEMBERS:

Ventsislav Karadzhov

Tsanko Tsolov

Tsvetelin Sofroniev / p /

Maria Mateva / p /

Veselin Tselkov / p /

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(Voice Biometrics)

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