

# THE STATE OFFICER FOR DATA PROTECTION AND FREEDOM OF INFORMATION

Press Office of the State Commissioner for the

Data protection and freedom of information

dr Stefan Brink

Koenigstrasse 10a

70173 Stuttgart

[www.lfdi-bw.de](http://www.lfdi-bw.de)

-----  
Cagdas Karakurt, tel: 0711-615541-23

Email: [pressestelle@lfdi.bwl.de](mailto:pressestelle@lfdi.bwl.de)

May 26, 2021

## PRESS RELEASE

Face recognition: LfDI opens proceedings against

Company PimEyes

LfDI Brink: "The threat is nothing less than the loss of the

Anonymity. Citizens in Baden-Württemberg are too

massively jeopardized in their rights if without their knowledge

Pictures of them on the net are matched and so are theirs

identity can be determined by third parties."

Anyone who moves through the city center today assumes that

that he can do this largely anonymously. Of course you meet him

familiar to one or the other, but for most people it is

you are not personally identifiable. So far. Internet services like

PimEyes advertise this by matching photos and those in them

contained biometric data to identify each person

be able. Using facial recognition, personal profiles and

a face database. That would mean loss of anonymity

mean - and that's where the alarm bells go off for privacy advocates.

Of the

State representative

for

the data protection

and

the

freedom of information dr Stefan Brink therefore has PimEyes

prompted to position

to those provided by the company

- 2 -

to obtain processed data. For this, the State Commissioner

sent the company an extensive catalog of questions,

which must be answered within four weeks.

Research by netzpolitik.org already had in the past

year revealed that the company "faces en masse in the

Internet according to individual characteristics" scan and biometric

Data (i.e. personal characteristics such as face shape, eye color

or the distance from mouth to nose) with which

every person can be accurately identified.

According to the GDPR, however, it is prohibited to use biometric data

to use unique identification of natural persons.

The company's database is currently accessible to

any user worldwide. You can take the photo one

Upload person and then view where anywhere in

network – for example on social media, on your own website or in the

public cloud – this face can already be found. There out

Point of view of the state commissioner is still unclear how this

Data

from the company

are processed,

is

the

supervisory authority has now become active.

In detail, the state representative wants the company

know on which legal basis the data is stored,

processed and, if necessary, passed on to third parties

and which

technical and organizational measures taken

are to ensure the security of the data and

prevent misuse by third parties.

Of the

State representative

for

the data protection

and

the

Freedom of Information

Stefan

Brink:

"The procedure

of

Company raises from the point of view of the General Data Protection Regulation

significant questions. We want that now in the interest of

clarify citizens. We urge the company to position itself

to acquire. Citizens in Baden-Württemberg are also in

their rights are severely endangered if pictures are taken without their knowledge

- 3 -

be matched by them on the network and thus their identity for

third party becomes detectable."

No profile creation is permitted without the consent of the data subject

occur. It becomes particularly tricky when in large numbers

biometric data would be collected. Any political, religious,

sexual or other private matter can be so with the

respective person can be linked directly. Brink continues: "Everyone

Citizens in the country will have to worry in the future if

without

their knowledge photos of

them

for everyone – neighbors,

Employers, authorities - can be viewed and also in third countries

flow." Any participation in demos,

every visit one

church or simply shopping in the supermarket with wine and

In case of doubt, vegetables can be photographed by third parties and on the Internet

be matched.

"The consequences of that

revealed are dangerous for our democracy. Not only that

Citizens' right to informational self-determination,

but also other basic freedoms are threatened by it. It

is time to bring some clarity here.”

Originally based in Poland, PimEyes,

which is now the seat of "Face Recognition Solutions Ltd."

indicates in the Seychelles

for an opinion four

weeks time. on basis

the opinion

of

company becomes the state representative for data protection

and the freedom of information evaluate the further procedure.

Further information

Of the

State representative

for

the data protection

and

the

Freedom of information Baden-Württemberg controlled according to § 25

Paragraph 1 of the State Data Protection Act (LDStG).

with § 40 paragraph 1 of the Federal Data Protection Act (BDSG) and Article

51 paragraph 1, Article 55 paragraph 1 and Article 57 paragraph 1 lit. a, f

General Data Protection Regulation

(GDPR) for private law

Companies and organizations as well as authorities the execution  
the General Data Protection Regulation, the Federal Data Protection

- 4 -

law, the state data protection law

as well as others

Data Protection Regulations.

Through

numerous media reports

above

extravagant

data processing

is

the

State representative

for

the

Data protection and freedom of information in Baden-Württemberg

the company PimEyes noticed. he sees himself

causes, within the scope of its competence and powers

Article 58 paragraph 1

lit. a GDPR from the company as

responsible body to request further information.

Due to the global usage of PimEyes

is of it

to assume that personal data from the company

are processed by European users and therefore the

DS-GVO is to be applied (Article 3 paragraph 2 DS-GVO).

The responsibility of the state commissioner for data protection

and the

Freedom of information Baden-Württemberg results

based on Article 55 paragraph 1 GDPR in conjunction with Article 40

BDSG, insofar as a branch in Europe is not named. That

originally

companies based in Poland

in the

Data protection declaration as the responsible body "Face Recognition

Solutions Ltd. based in the Seychelles.

Research from Netzpolitik.org:

[https://netzpolitik.org/2020/faces-suchmaschine-pimeyes-](https://netzpolitik.org/2020/faces-suchmaschine-pimeyes-creates-anonymity-from/)

[creates-anonymity-from/](https://netzpolitik.org/2020/faces-suchmaschine-pimeyes-creates-anonymity-from/)