

Order issued to delete biometric database for facial matching in the course of the G20 investigation

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As part of the investigation into the G20 riots, the police used automated face recognition software, which created a database with a growing volume of initially 17 terabytes. This database includes private recordings uploaded by citizens to the police, police video surveillance material and material from public transport and the media - a total of around 32,000 video and image files (as of August 2018). The facial features contained therein were assigned to unique identifiers in the form of individual face IDs using facial recognition software and stored in machine-readable form. Since then, the faces of individual suspects have been automatically compared again and again using this database.

This procedure significantly interferes with the rights and freedoms of a large number of those affected. The biometric recording is carried out indiscriminately and without cause. It affects masses of people who are not suspects and who were never suspects. The calculation of mathematical facial models for criminal prosecution purposes is done without the knowledge of those affected and enables the police to create, link and evaluate profiles about the location, behavior and social contacts of people over a period of time that is not specified in more detail in terms of location and time. Those affected cannot defend themselves against this with a legal remedy because they are not aware of this. Confusions of persons, so-called false positives, are possible. Controls by independent bodies come to nothing without reporting and information obligations, since there are no special legal requirements for such databases. There is no judicial reservation to order and limit such measures. For this Prof. Dr. Johannes Caspar, the Hamburg representative for data protection and freedom of information: "I am aware that efficient criminal prosecution is a high legal interest and contributes to pacifying the population. But in the constitutional state, not everything that is technically possible is legally permissible just because it seems appropriate. Automated facial recognition must comply with constitutional requirements. The use of this procedure by the Hamburg police in real operations is unprecedented in Germany. The legislature alone has to decide on the admissibility of such novel search methods. So far this has not happened. There is no law allowing law enforcement agencies to collect masses of video and image sequences from widely differing time and place references and to create biometric face IDs of non-suspects in the images, store them indefinitely and repeatedly match them with faces of individual suspects ."

Since the deployment was continued after the hearing and the subsequent objection to data protection law, it was now necessary to issue a legally binding order. The Senator for the Interior can bring an action against this order before the

Hamburg Administrative Court.

Download the arrangement (PDF)

press contact

rot13("Znegva Fpurzz", "ictyzolgsbpeuvnj");mmehcS nitraM

Phone:

+49 40 428 54-4044

Email: rot13("cerffr@qngrafpuhgm.unzohet.qr", "duvehgojsrqzckay");ed.grubmah.ztuhcsnetad@esserp