Formal warning AP to supermarket about facial recognition

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Camera surveillance in shops, restaurants and sports clubsBiometricsAI & algorithms

The Dutch Data Protection Authority (AP) has issued a formal warning to a supermarket because of the use of facial

recognition. Although the facial recognition system has been off since December 2019, the supermarket wanted to turn it back

on.

The supermarket said it used facial recognition to protect store visitors and staff and to prevent shoplifting. The system was

linked to cameras at the store entrance.

For example, the face of everyone who entered the store was registered. And then compared to a database with faces of

people who were previously banned from shopping. The faces of people without a restraining order were erased after a few

seconds.

Following signals from the media, the AP requested information from the owner of the supermarket on December 6, 2019. On

December 8, 2019, the supermarket disabled the facial recognition system. But in the documents supplied to the AP, the

entrepreneur writes that he wishes to reactivate the system.

Facial recognition prohibited

"It should not happen that this supermarket, or any other store in the Netherlands, just uses facial recognition," says AP vice

president Monique Verdier. In most cases, the use of this technique outside the home is therefore prohibited. And that is not

for nothing.'

Walking barcodes

"Facial recognition turns us into walking barcodes," says Verdier. "Every time you enter a store, stadium or event hall with

facial recognition, that system scans your face. Without asking. By putting your face in a search engine, such a system could

also link your face to your name and other data. For example, via a social media profile."

"Such a system can then determine what to do with that barcode. Are you a suspect? Are you interesting as a customer? And

is it valuable to keep an eye on your purchasing behavior to create a profile? If we fill the country with facial recognition

cameras, we can all be followed continuously.'

Two exceptions

Facial recognition uses biometric data to identify someone. The use of facial recognition for security is prohibited, with two exceptions.

One is that the people filmed have given explicit consent. Now, according to the supermarket entrepreneur, customers were warned that the supermarket used facial recognition, but there was no explicit permission.

"Simply entering the supermarket, under the guise of 'whoever is silent agrees' does not count as consent," says Verdier.

The other exception is if facial recognition is necessary for authentication or security, but only where there is an important public interest. The supermarket believes that this is the case. The AP notes that this is not the case.

Verdier: 'The only example mentioned in the law is the security of a nuclear power plant. So the bar is high. Preventing shoplifting is very different from preventing a nuclear disaster."