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The use of automatic language assistants from providers such as Google, Apple and Amazon has proven to be highly risky for the private and intimate sphere of those affected. This applies not only to people who operate a language assistant, but to everyone who comes into contact with it, for example if they live in a household where devices are used on which e.g. Google Assistant is installed.

Based on recordings leaked by whistleblowers, it was recently reported in the media that Google, as part of its Google Home voice assistant, is having acoustic recordings of people evaluated by users in order to optimize the voice recognition capability of the Google Assistant. During these evaluations, employees from Google or from commissioned companies listen to the voice recordings and transcribe them in order to analyze whether the recorded acoustic information was correctly processed by the underlying AI system. Google has presented this practice in its blog. As the whistleblower's report has shown, the recorded conversations - some sensitive - personal information from the private and intimate sphere of those affected by the employees commissioned by Google. Furthermore, a not inconsiderable proportion of the recordings were made due to faulty activation.

Against this background, the Hamburg Commissioner for Data Protection and Freedom of Information (HmbBfDI) has opened administrative proceedings to prohibit Google from carrying out corresponding evaluations by employees or third parties for a period of three months. This is intended to protect the personal rights of those affected for the time being.

According to the General Data Protection Regulation (GDPR), the so-called lead supervisory authority is initially responsible for orders. This is the authority in the Member State where the main establishment of the responsible body is located. For Google, this is the IDPC in Ireland. Nevertheless, the GDPR also provides for the possibility for data protection authorities in other Member States to take measures in their sovereign territory or area of responsibility for a maximum period of three months if there is an urgent need for action to protect the rights and freedoms of data subjects. This is the case here, because effective protection of those affected from eavesdropping, documenting and evaluating private conversations by third parties can only be achieved by timely enforcement.

As part of this administrative procedure, Google has declared to the HmbBfDI that transcriptions of voice recordings will no longer be made for a period of at least three months from August 1, 2019. This assurance relates to the EU as a whole. In this

respect, the responsible authorities should now also quickly check for other providers of language assistance systems, such as Apple or Amazon, to implement appropriate measures.

Johannes Caspar, the Hamburg Commissioner for Data Protection and Freedom of Information: "The use of language assistance systems in the EU must follow the data protection requirements of the GDPR. In the case of the Google Assistant, there are currently considerable doubts about this. Language assistance systems must be used in a transparent manner so that users can give their informed consent. In particular, this involves providing sufficient information and transparently informing those affected about the processing of voice commands, but also about the frequency and risks of incorrect activations. Finally, the need to protect third parties who are affected by the voice recordings must be adequately taken into account. First of all, further questions about the functioning of the speech analysis system have to be clarified. The data protection authorities will then have to decide on the final measures required for data protection-compliant operation."

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