

Hamburg police delete the biometric database for face matching created in the course of the G20 investigation

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The Hamburg police have recently informed the Hamburg Commissioner for Data Protection and Freedom of Information (HmbBfDI) that they have now deleted the biometric database created during the investigation into the G20 riots with the help of facial recognition software. The reason given by the police was that the database regarding the G20 proceedings was no longer required under criminal law. After an examination, the HmbBfDI had previously expressed data protection concerns about the logging practice of the police when accessing the biometric database.

The entire complex dates back to November 2017. At that time, as part of criminal investigations into the events of the G20 summit, the police had begun to automatically measure and measure the faces of all people identified in the material from uploaded private recordings, police videos and image and video material from S-Bahn stations and from the media using facial recognition software to create machine-readable templates with the help of this information. These face templates were kept in the now deleted database and automatically compared with templates of individual suspects in the past.

As early as July 2018, the HmbBfDI informed the police of its view that there was no sufficient basis for authorization for the biometric analysis of faces that could justify such intensive encroachments on fundamental rights, most of which were completely uninvolved persons. In August 2018, the HmbBfDI objected to the procedure. In December 2018, he finally ordered the deletion of this database from the Ministry of the Interior and Sport. In response to a lawsuit filed by the interior authority, the Hamburg Administrative Court overturned this order because the HmbBfDI lacked the competence to review the relevant legal basis and the measures could be based on a general regulation of data processing in the Federal Data Protection Act. The HmbBfDI has applied for the approval of an appeal before the OVG Hamburg against the judgment of the Hamburg Administrative Court of October 23, 2019 (Az. 17 K 203/19).

Johannes Caspar, the Hamburg Commissioner for Data Protection and Freedom of Information: "The recent deletion of the biometric database by the Hamburg police is to be warmly welcomed. However, it remains questionable whether she will draw a line under the procedure that has been controversial since 2018. According to the current status, the prosecution authorities in Hamburg have the de facto and, according to the judgment of the Hamburg Administrative Court, also the legal possibility to use the technology of automated facial recognition regularly. The police have repeatedly stated that they could also be used for other major events in Hamburg. However, the significant threats of automated facial recognition for a free society and

privacy have not only been critically discussed worldwide since the mass evaluation of facial databases by the US company Clearview. Special legal requirements for the admissibility of the use of this technology are required as a minimum, precisely in order to effectively protect the rights and freedoms of people, most of whom are never suspects at any time. They are missing so far. In this respect, further judicial clarification of the central questions should be sought.”

A documentation of the entire facial recognition process in the G20 investigations can be found on the HmbBfDI website.

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