## **1. Introduction**

* Brief overview of facial recognition technology and its growing applications
* Thesis statement about the ethical challenges it presents
* Significance of addressing these concerns in today's data-driven society

## **2. Technical Background**

* How facial recognition systems work (brief explanation)
* Evolution of the technology and current capabilities
  + Face matching, face extraction, face recognition
  + https://www.fastcompany.com/91018783/types-of-face-recognition-technology-this-is-what-to-know-about-them-and-your-privacy
* Different types of facial recognition systems

## **3. Applications and Use Cases**

* Commercial applications (social media, retail, marketing)
  + Hill, Kashmir. “Which Stores Are Scanning Your Face? No One Knows.” New York Times, 2023, [www.nytimes.com/2023/03/10/technology/facial-recognition-stores.html](http://www.nytimes.com/2023/03/10/technology/facial-recognition-stores.html)
  + Madison Square Garden uses facial recognition to bar entry to lawyers that are against the owners
* Security and law enforcement applications
  + As we describe earlier, the private sector is integral to law enforcement operations; companies like Clearview AI often test and develop the facial recognition tools that are available to law enforcement or amass large databases that the government may have access to. Yet, in the absence of a nationwide comprehensive data privacy law, many companies face few legal limitations on how they collect, process, and transfer personal information—allowing Clearview and other companies to gather data from millions of people without clear controls to access or delete their images, and with few safeguards for security, algorithmic bias, and transparency.63The Federal Trade Commission (FTC) primarily investigates and enforces data protection on a national level, relying on its authority under Section 5 of the FTC Act to act against entities that engage in “unfair or deceptive acts or practices.” Using this authority, the FTC has entered consent agreements with companies like Sears (2009), Facebook (2011), Snapchat (2014), and Nomi Technologies (2015) for misrepresenting their privacy policies to their users.64 However, this statute largely emphasizes user transparency, which has led to a system of “notice and choice,” where companies display a lengthy privacy policy and require users to consent to it before accessing their service. Notice-and-choice does not effectively preserve privacy; companies like Clearview or Amazon’s Ring can still set their own privacy policies—choosing what data they collect, store, and share, and for how long—and with the FTC’s more limited authority, the agency has only brought approximately 80 data privacy cases since 2002.
* Identity verification and access control
  + Vallance, Imran Rahman-Jones & Chris. “Discord’s Face Scanning Age Checks ‘Start of a Bigger Shift.’” BBC News, BBC, www.bbc.com/news/articles/cjr75wypg0vo
* Public health applications

## **4. Ethical Concerns**

* Privacy implications
* Bias and discrimination issues
* Surveillance and civil liberties
* Consent and transparency problems
* Data storage and protection

## **5. Legal and Regulatory Landscape**

* Existing regulations (GDPR, CCPA, etc.)
  + “U.S. Commission on Civil Rights Releases Report: The Civil Rights Implications of the Federal Use of Facial Recognition Technology.” U.S. Commission on Civil Rights, [www.usccr.gov/news/2024/us-commission-civil-rights-releases-report-civil-rights-implications-federal-use-facial](http://www.usccr.gov/news/2024/us-commission-civil-rights-releases-report-civil-rights-implications-federal-use-facial)
  + https://executivegov.com/2023/03/lawmakers-reintroduce-facial-recognition-and-biometric-technology-moratorium-act/
* Proposed legislation and policy approaches
* International differences in regulation
  + https://www.nytimes.com/2023/12/08/technology/eu-ai-act-regulation.html

## **6. Case Studies**

* Analyze 2-3 real-world examples of facial recognition implementation and resulting ethical issues
  + People of color and facial recognition
* Include both problematic cases and more balanced approaches

## **7. Ethical Frameworks for Evaluation**

* Utilitarian perspective
* Rights-based approach
* Justice and fairness considerations
* Cultural and contextual factors

## **8. Proposed Ethical Guidelines**

* Technical safeguards (accuracy requirements, bias mitigation)
* Procedural safeguards (human oversight, appeals process)
* Transparency requirements
* Limits on use cases
* Accountability mechanisms

## **9. Conclusion**

* Summary of key findings
* Recommendations for ethically responsible development and deployment
* Future research directions