

Artificial intelligence and police work from a fundamental rights perspective

The case of facial
recognition technology



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FRA's work on AI

- Focus paper on discrimination (May 2018)
- Focus paper on data quality and AI (June 2019)
- Facial recognition technology (November 2019)
- Larger project on the use of AI in EU Member States (results planned for December 2020)

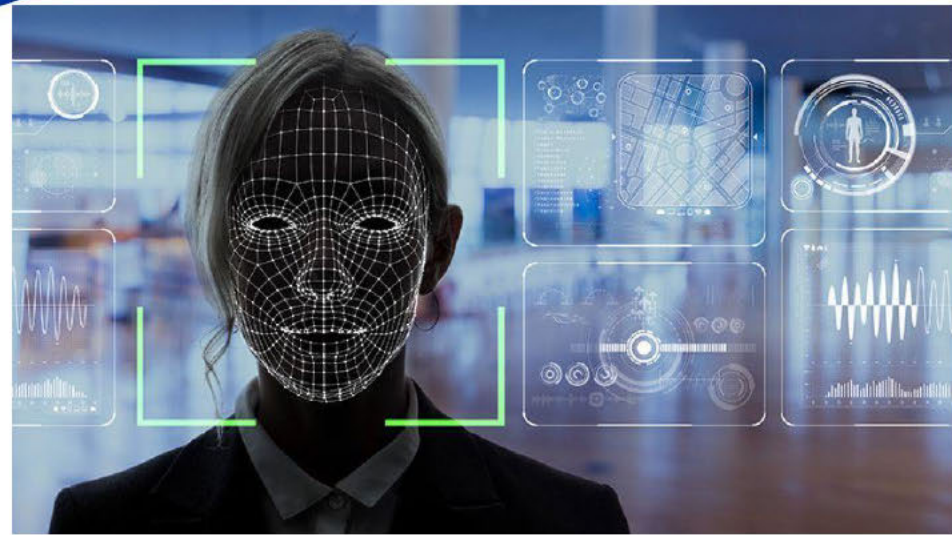
Paper on facial recognition technology

- Draws on previous and ongoing FRA research
- Focuses on use of live FRT by law enforcement
- Based on interviews with experts and practitioners (in selected EU Member States)
- Discusses selected fundamental rights implications → legal analysis

What is facial recognition technology?

- **Verification (1:1)**
 - ABC gates
 - Cell phones
- **Identification (1:n)**
 - Closed vs open set identification
 - Live Facial Recognition Technology (LFRT)
- **Categorisation**
 - Gender, ethnicity, age
 - Many other issues





Use cases in the EU

- **EU Member States**

- United Kingdom
- Germany
- France
- Other MS

- **EU level**

- Large-scale databases in the field of migration & security
- Research on facial recognition technology

- **Private sector**

- Not covered

Accuracy of facial recognition technology

- Enormous increase in accuracy over the past years
- Variation of available software
- Challenges to assess accuracy
 - Trade-off between
 - false positives
 - false negatives
- Data quality and training databases

Fundamental rights considerations

- Public perceptions
- Human dignity as the foundation of fundamental rights
- Requirements for justified interferences with a right
- Depends on the purpose of use
- Balance of accuracy

Selected fundamental rights

- Respect for private life and protection of personal data
- Non-discrimination
- Rights of the child and of older persons
- Freedom of assembly and of association
- Right to good administration
- Right to an effective remedy and a fair trial
- ...

Key considerations and steps to take (1)

- Clear legal framework needed for processing
- Purpose important for assessment
- Impact on behaviour due to fears in population
- Different implications depending on the place of use

Key considerations and steps to take (2)

- Errors will remain
- Public procurement to include fundamental rights consideration and information for
- Impact assessments needed

Thank you!

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