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Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Room H-113 (Annex P)
Washington, DC 20580

January 30, 2012

RE: Public comments on facial recognition technology as explored in “Face Facts: A Forum on Facial Recognition—Project Number P115406”

Dear Commissioners:

Consumer Action appreciates the opportunity to comment on the issue of facial recognition technology. As a 40-year-old national nonprofit, we have long advocated on behalf of consumers on a broad range of issues that impact them on a daily basis, including privacy concerns. While we recognize that facial recognition technology can be used in such a way that benefits consumers, as it is currently being deployed it represents the potential for serious privacy violations.

The first measure of this potentiality is perhaps to least technical: the “ick” factor. Many consumers value their privacy – as numerous studies and surveys have proven – and are alarmed at the idea of their images being obtained, used, and stored without their knowledge or explicit consent.

Never was this more clearly illuminated than in the summer of 2011 when Facebook users revolted after the social media company launched feature that *automatically* identified and tagged users as they uploaded photos to the site. The propriety with which the company seems to believe that it owns its users – from their basic information to their photographic likenesses - is disturbing. Forcing users to accept this Orwellian technology is not only a violation of the company’s privacy policy and consumer privacy in general, it’s also just bad business. Facebook users walked away in droves once the details of the service were announced.

Despite this, more and more companies are clamoring to use the technology - Google and other sites competing with Facebook have since launched similar features, though they are for the most part “opt-in.” Opt-in is better, but hardly of much consolation to those users who are denied access to online services because they choose not to be digitally corralled by facial recognition technology.

A major potential for harm is basic computer error. Because this technology and technology in general, is susceptible to error, it is a probability that false matches will occur. As most consumers are unaware that such technology and profiling is being used, they won’t be aware of false matches in their name, nor will they have any means to correct such an error. Companies are currently not transparent about their

use of facial recognition technology nor are they clear about how it is being used to profile consumers.

Because facial recognition technology is still new, there is still time to place reasonable constraints around its use. We believe it's necessary for the Federal Trade Commission to actively engage industry on this issue, as they have in the past, to make it clear that the deployment of this technology must be restrained by a consumer's reasonable expectation of privacy. Companies should not be allowed to unrestrainedly feed their advertising addictions by covertly and irresponsibly turning consumers' lives – and a core of their personal privacy, images of themselves and their families – into commercial products.

Thank you for your work on this issue.

Sincerely,

Michelle De Mooy
Senior Associate, National Priorities