The Varying Laws Governing Facial Recognition Technology

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In an article published by IPWatchdog on January 28, Ben Hodges and Kelly Mennemeier discuss the latest breakthroughs in facial recognition technology and potential drawbacks to privacy for those unwittingly subject to facial recognition in public.

"In response to burgeoning technological advances in the field, cities and states have begun developing an array of legal approaches to regulate facial recognition technology, some scrambling to limit or prohibit its use, others enthusiastically embracing it. In this patchwork legal landscape, it can be challenging to know where and when the technology can be used – and for what purposes," explain the authors.

Facial recognition technology consists of computer programs that analyze images of human faces and compare them against other images of human faces for the purpose of identifying or verifying the identity of the individuals in the images. The technology has obvious surveillance and law enforcement uses, and concern about the privacy implications for use in these contexts has driven many jurisdictions to place limits on the use of facial recognition technology.

"Laws regarding the use of facial recognition technology are not limited to the public sector," say Hodges and Mennemeier, adding that, "Several states have worked biometric information into their existing data privacy laws – or created new laws specifically geared toward biometric data collection."

The authors emphasize that as lawmakers in cities and states around the country continue to explore options to limit how the public and private sector utilize facial recognition technology, municipal agencies, businesses and inventors must keep themselves apprised of this increasingly complex regulatory

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