

# Facial Recognition Software Bringing About Privacy Concerns

July 27, 2012 - Over the past few months there have been a lot of issues surrounding the use of cameras and how they impact privacy. A plan by the FAA to legalize the use of drone aircraft seems to have launched those concerns into the mainstream. If the FAA gets its way, you could find your photos plastered all over the internet every time you venture into your back yard. But their call to allow the widespread use of drones has also gotten members of Congress to sit up and take notice. There is now a proposal in Congress to limit the private use of drones specifically because of the privacy and terrorism concerns that would come about with their use. But drones are just one of many privacy issues being caused by the widespread use of digital cameras. Facial recognition software may be about to take those concerns to an entirely different level.

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Imagine walking through a crowded amusement park and being singled out of that mass of people. Becoming the focus of someone simply because sophisticated software was able to pick out your face. It isn't science fiction. Police around the world are already using facial recognition in just this way. They are looking for criminals and terrorists.

To date, the use of such software has been largely by governments. And to be sure, it does bring up a variety of Fourth Amendment issues about unreasonable searches and seizures. But the Supreme Court has repeatedly held that when you are out in public, you don't have a right to privacy. So the chances are good that this type of police use of facial recognition is here to stay.

What is about to change though is private use of facial recognition software. This is something that hasn't been done widely and which could have both positive and negative impact.

On the positive side, use of this type of software could have a very positive effect on identity theft. If retailers were to implement its use and scan the face of people using charge cards, it could put a real dent in the ability of ID thieves to use stolen credit cards. In fact, with the relatively recent advent of cameras being installed in most computers, this type of technology could also be used to prevent ID thieves from making online purchases; something which has posed a real issue for both victims and merchants.

But like anything else, this type of technology can also be used in such a way that it hurts consumers. Marketers are bound to start using this type of technology to target their advertising. If you ever saw that the Tom Cruise movie *Minority Report*, then you've had a glimpse of this. You could walk into your favorite store and receive a personal greeting on the first advertisement you see. From that point forward, as you walk through the store, advertising could be targeted to your interests based on your prior shopping habits.

This data would become significantly more valuable to the store as they sell it to outside marketers. A combined database of your shopping at a wide variety of stores would likely reveal patterns of activity on you that even you are completely unaware of. And that data could be used to maximize the effectiveness of virtually every advertisement that you see. It could even make its way into your home by targeting advertising online or through your television.

So far, none of this has happened. The reason for this is that while facial recognition software is improving, it still isn't accurate enough. Not yet anyway. But it isn't far away either. The software that governments use is better than 99% accurate in the lab. That falls dramatically in public, yet it has improved to the point that governments don't have any issue in using it. With computer speed doubling every 18 months and significant improvements in software capabilities taking place every year, we suspect that facial recognition will start being used by retailers within the next three years. The time for Congress to start looking at this issue is now. They need to come up with a set of acceptable use standards that they won't allow retailers to break. And they also need to start examining the laws that will be needed in the event that collected data of this sort is lost or stolen; which is almost certainly inevitability.

byJim Malmberg

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