

Facial Recognition Being Used by More Retailers

August 13, 2021 - The next time you set foot in a retail store, you should know that your image may be being monitored by facial recognition software. That's because mainstream retailers like Macy's and Lowes are now using it. Unfortunately, there is no real way to know what they are using it for, and there is no way for you to opt out.

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Go into any major retailer and then look up at their ceiling. You're likely to see a large number of glass bubbles. These are camera housings and they're looking right back at you. Retailers install them for security purposes. They help them monitor what goes on in their stores and provide a video record that can be reviewed and shared with law enforcement and even insurers when accidents occur. At least, that was the original plan. But with the advent of facial recognition, those cameras are now a lot more powerful and they can be used for more than just security.

Yes, facial recognition does play a security role. In fact, all indications are that this is still the primary role for cameras that are equipped with it. If a retailer spots a thief and they use facial recognition, they can distribute that information to other stores in their chain and use that information to alert security the minute that thief walks into another of their stores. But what if that isn't the only thing it is being used for?

We live in a networked world today. Depending upon the way that information is networked, it can be very powerful and very intrusive. There is a scenario here where a retailer could choose to take your picture and follow your browsing habits through the store. That retailer could compile information on how you react to certain displays and even monitor what you purchase.

If you make a purchase using the retailer's own credit card, they can time match your purchase with the video they have of you. From that point on, they know your name, where you live, what you look like, what you purchase, and a lot of other information. They can now send you tailored advertising by mail, and if they have an email address, they can get to you that way too.

A poll that was conducted by a company named Pipsley shows that 40% of Americans are unaware they are being tracked at retail stores. And when informed of it, 69% said that store should have to tell consumers that they are being tracked by facial recognition. That isn't happening though and it isn't clear that any state privacy laws currently mandate consumer notification.

What is clear is that federal law doesn't protect any of us. The Supreme Court has repeatedly ruled that when we are out in public, we have no expectation of privacy. And the political bent of the justices has had virtually no impact on those rulings. That means it is really up to the states to start defining rights and responsibilities with regard to facial recognition.

For now, consumers need to be aware that they may be being tracked when they shop in person, in much the same way we are all tracked when we shop online. This is currently an area where privacy laws haven't caught up with the technology. Hopefully that will change in the near future.

by Jim Malmberg

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