Facial recognition technology: eroding civil liberty or ensuring safety?

With the capabilities and possible applications of technology and artificial intelligence programmes seemingly endless, should we be concerned about how this technology is being used?

One of the latest technologies to face criticism is facial recognition software, specifically Live Facial Recognition, which is being trialled by police forces across the UK, including South Wales Police and the Metropolitan Police[1]. While this technology is endorsed under the argument of improved public safety, its use raises serious issues for civil liberty, including the right to privacy, freedom of expression and assembly.

Live Facial Recognition (LFR) involves cameras carrying out real-time scanning of peoples' faces, which produces a biometric map of their facial features that is as unique as DNA or fingerprints. This facial map can then be checked against other images on police watch lists and databases to check for a match[2]. While society at large accepts other types of video surveillance, including CCTV, as LFR is actively scanning, recording and using personal data, it is fundamentally different to a CCTV recording.

While aimed at identifying specific individuals, everyone within range of the camera has their face processed by the software. This unique personal data is also captured without consent. This intrusion infringes on the right to privacy under Article 8 of the ECHR. There could also be a detrimental effect on the right to freedom of expression and freedom of assembly under Articles 10 and 11. Individuals may be deterred from exercising these rights, such as attending peaceful protests where LFR is in use, for fear of repercussions[3]. A London Policing Ethics report found this was particularly true for BAME individuals and 16-24 year olds, with 38% of this group likely to avoid events subjected to LFR surveillance[4].

In achieving its purpose of apprehending those involved in criminal activity, LFR has been shown to be unreliable, with Met Police trials only achieving a 19% identification accuracy rate. The technology also suffers from gender and racial bias, disproportionately misidentifying women and BAME groups[5], suggesting that LFR also mirrors, and could further compound, the discrimination seen in police practices, with BAME individuals already overrepresented in stop and search figures[6].

As LFR seems to be more effective at eroding civil liberties than improving public safety, it may be no surprise that the first court hearing in the world challenging the use of LFR by South Wales Police was on the grounds of civil liberty infringements[7]. While the case was dismissed, the Court agreed that LFR does encroach on the right to privacy and the case has granted permission to be heard on appeal.

While Police Scotland may have delayed the use of LFR due to its accuracy and impact on civil liberty[8], the debate on its use continues. LFR's potential to impact on

civil liberty in the pursuit of safety is an issue that concerns us all and will become more important as technology advances and is used in new ways.

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