



COVID-19 opens door to Facial Recognition Technology



Marlene Winther Plas
Partner, Head of IPT, Denmark

Technology such as contact tracing apps and facial recognition technology (FRT) has the potential to play a huge role in helping workplaces transition to a new normal of working, while continuing to adhere to public health guidelines. DLA Piper is considering risk and data protection issues associated with such technology solutions in Ireland and around the globe.

The discouragement of physical contact and a need to track potential cases of COVID-19, means age, geographic location, sector and other forms of segmentation becoming part of the longer-term norm. Additionally, as restrictions are eased and employers begin to plan their return to work strategy, a move to “germless” and contactless security and access control systems will be essential in curbing the potential spread of the virus. Technology has a key role to play in enabling the transition to the ‘new normal’.

Mark Rasdale, Intellectual Property & Technology partner at DLA Piper Ireland said: “Facial recognition was first researched in the mid-1960s. Fifty years later and it is clear that FRT presents both opportunity and challenge. In China, they have been using sensors and facial recognition technology to identify people with high body temperatures and to facilitate contactless admission to premises like factories and hospitals. Any recommendation to wear masks won’t limit the usefulness of the technology. One FRT provider has confirmed it is at a 95% accuracy rate in testing for its masked facial recognition program. In Ireland, a large food producer has reportedly put an FRT solution in live use as part of staff protection measures, to avoid staff having to sign in manually at the start and completion of their shifts.”

So, there is clearly scope for the technology to make the transition out of restriction easier. But deploying the technology carries risks which need to be carefully managed. DLA Piper sees a variety of approaches to both

adoption and regulation of FRT around the world. It is supporting corporates and other organizations with international footprint and elsewhere navigate these jurisdictional and cultural differences.

In some US states, legislation has been introduced to significantly restrict use of FRT. In the EU, the General Data Protection Regulation is the primary data protection legislation to consider but when it comes to FRT, particularly where it is used to process biometric data, the rules are complex and are not necessarily uniform from country to country. And not all FRT use cases are intrusive, for example, FRT that can detect the presence of a face but does not determine who the face belongs to. Indeed, in some parts of the world such as Hong Kong and in public spaces in Singapore, this form of data collection might not even constitute personal data collection if the intention is not to identify data subjects.

“Having an international perspective on these issues and being able to tap into the experience in other non-EU countries, particularly those who are at a more advanced stage of the journey back to normality, is invaluable. Companies should invest in technology solutions to support the transition back to work, but apply an appropriate risk management and compliance plan as part of any technology roll-out. What is necessary and acceptable to users now, may not necessarily be the case as we return to normality.” he added.

DLA Piper has published an article collating its global perspectives and experience (in particular from Ireland, Denmark and Hong Kong), highlighting recent trends in relation to the adoption of Facial Recognition technology before and as a result of the COVID 19 pandemic and considering the key aspects of data protection law that arise when deploying such technology solutions. This is available for download below.

PDF	<u>Facial Recognition Technology study.pdf</u>
-----	--

Services	IP og teknologi
----------	-----------------
