

# FRA Looks into Facial Recognition Technology



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**Cornelia Riehle**

**News**

At the end of November 2019, FRA [published a paper](#) looking into the fundamental rights challenges involved when public authorities deploy live facial recognition technology for law enforcement purposes.

According to the paper, the following key aspects should be considered before deploying facial recognition technology in real life:

- A clear and detailed legal framework should regulate the use of facial recognition technology and determine when the processing of facial images is necessary and proportionate;
- The processing of facial images for verification purposes should be clearly distinguished from the processing of facial images for identification purposes, as the risk of interference with fundamental rights is higher in cases of identification, which therefore requires stricter necessity and proportionality testing.
- Facial recognition technology is likely to raise fears of a strong power imbalance between the state and the individual and should therefore only be used in exceptional cases, i.e., to combat terrorism or to detect missing persons and victims of crime.
- The use of facial recognition technology during demonstrations may prevent people from exercising their freedom of assembly or association and should therefore be considered disproportionate or unnecessary.
- The risk of incorrectly flagging people must be kept to a minimum, and anyone who is stopped as a result of facial recognition technology must be treated in a dignified manner.
- Fundamental rights considerations, such as data protection or non-discrimination requirements, should be necessary requirements in the procurement of facial recognition technology.
- Public authorities should obtain all necessary information from the industry to carry out a fundamental rights impact assessment of the application of facial recognition technology they aim to procure and use.
- Close monitoring by independent supervisory bodies with sufficient powers, resources, and expertise should be guaranteed.

The FRA paper is a valuable tool for public authorities when considering fundamental rights implications in their plans to use the new technology in real life.

## **AUTHOR**

**Cornelia Riehle**

Deputy Head of Section  
Academy of European Law

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