

Why law has failed to promote good biometrics or: Body issues and privacy enhancing aspects of biometrics

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Conclusions and recommendations:

- There is not enough information available to users and buyers of biometric applications and this prevents them from making informed choices
- There is a lack of supervision and enforcement of data protection legislation
- To address this situation:
 - Powers of the data protection authority could be broadened or strengthened
 - Or registration and enforcement should be placed with a new agency specialised on biometric issues only

Bodily issues in our project?

- **The use of privacy enhancing aspects of biometrics in the Netherlands**
- 100 projects examined: bodily issues hardly mentioned
- Interesting accidental findings:
- Use of fingerscans to avoid having to distinguish between faces (anti discriminatory?)
- Older people prefer paying with their finger

Trends at project level

- No external control
- Two sided dependency of buyers: on the product and on information
- Convenience for the client determines the satisfaction of th client and therefore the success of the project
- The local data controllers do not show themselves very aware of bodily issues/ risks of the use of biometrics
- In our sample many projects were discontinued

Standardization issues

- Targeted application scenarios and user information need to go hand in hand with standardization
- Prevent producer dependency: reliable independent test results, specially on enrollment the vulnerable or the impaired
- Can European requirements on functional design of biometric enabled applications be included in standardization?

General trends

- Uncontrolled developments caused by lack of supervision
- Biometric practice is overtaking the law
- Lack of coordination between government and business
- Function creep by design.

Conditions in terms of rights

Rights

- Rights to correct and appeal and to be properly informed
- Efficient alternative procedures (taking into account the visually, physically, cognitively and language impaired)
- Right to know who has used biometric characteristics
- Sanctions on inappropriate/illegal use