Canadian Government Must Ban Use of Facial Recognition Surveillance by Federal Law Enforcement and Intelligence Agencies

Group of 77 privacy, human rights and civil liberties advocates call on Public Safety Minister Bill Blair to act

July 8, 2020, Ottawa – The Canadian government must enact an immediate ban on the use of facial recognition surveillance for all federal law enforcement and intelligence agencies, says a group of 31 Canadian and international organizations and 46 individuals active in protecting privacy, human rights and civil liberties. The call came in an open letter sent this morning to Public Safety Minister Bill Blair.

The full letter and list of signatories is online at www.iclmg.ca/facial-recognition-letter.

"Facial recognition surveillance is invasive and inaccurate. This unregulated technology poses a threat to the fundamental rights of people in Canada," said Tim McSorley, National Coordinator of the Ottawa-based International Civil Liberties Monitoring Group (ICLMG), which, along with OpenMedia, initiated the campaign.

Studies have shown the racial biases in facial recognition surveillance, with leading technology mis-identifying Black, Asian and Indigenous faces 10 to 100 times more than white faces. As the letter points out, at a time when society is pushing to address systemic racism in policing, adopting a technology that is known for its racial biases is a move in the wrong direction.

Even if these biases could be addressed, though, the dangers posed by facial recognition surveillance to our rights would persist. "The use of facial recognition surveillance undermines our freedoms of association, assembly, expression and movement, as well as the right to privacy and protection against unreasonable search and seizure," said McSorley.

Canada's existing privacy laws do not regulate biometrics, including facial recognition, allowing the technology to be adopted by police forces across the country without any oversight or clear rules. For example, the RCMP has used the highly controversial Clearview AI facial recognition technology without consulting the Privacy Commissioner or issuing a Privacy Impact Assessment. The federal police force went so far as to publicly deny its use of Clearview AI's technology, when it had actually been operating it for several months.

Along with the ban on the use of facial recognition surveillance by law enforcement and intelligence agencies at the federal level, the signatories are also calling on the government to:

- Initiate a meaningful, public consultation on all aspects of facial recognition technology in Canada;
- Establish clear and transparent policies and laws regulating the use of facial recognition in Canada, including reforms to the *Personal Information Protection and Electronic Documents Act* (PIPEDA) and the *Privacy Act*.

Even with a ban on federal facial recognition surveillance in place, it will also be crucial to establish limits around other uses of facial recognition at all levels of government. For example, provinces and municipalities must act to halt the use of facial recognition by local and regional law enforcement.

Other jurisdictions are recognizing the dangers of facial recognition technology, with several US cities banning its use by law enforcement. Even companies that produce the technology have been forced to recognize its dangerous nature, with many halting sales to law enforcement. In Canada, the federal Office of the Privacy Commissioner is investigating the RCMP's use of facial recognition technology, and OpenMedia has launched a petition calling for a country-wide ban on the use of facial recognition surveillance by law enforcement.

"The federal government has the opportunity to be a leader on this issue by taking a firm stance on facial recognition surveillance. Minister Blair must enact a ban on its use now, before we see more harm done," said Laura Tribe, Executive Director at OpenMedia.

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