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330 Main Street, Hartford, Connecticut 06106

860-523-9146 | www.acluct.org

Written Testimony Supporting House Bill 5326, An Act Prohibiting the Capture and Use of Facial Recognition Technology for Commercial Purposes

Senator Leone, Representative Baram, and members of the General Law Committee. My name is David McGuire, and I am the Legislative and Policy Director for the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in support of House Bill 5326, which would protect individuals' privacy and personal information by regulating how the police can access facial recognition data.

Facial recognition technology is nearly as sensitive as collecting a thumbprint. By using surveillance devices to scan faces and comparing these images to databases of information, facial recognition technology can pinpoint who and where someone is with startling dexterity. Anyone who has used Facebook's "suggested tag" photo feature, for instance, has experienced the 97% accuracy of some of today's facial recognition software. This bill recognizes that we must ensure that the government cannot misuse or warehouse the facial recognition data that private businesses collect.

Police should be able to access facial recognition information to solve or prevent crimes, but police should not be able to keep their eyes on every shopper, in every store aisle, at every minute without a warrant. People deserve protections that put meaningful limits on whether and when law enforcement officials are able to access facial recognition information historically (by gathering information about customers stored in a database) or in real time (by gaining access to stores' monitoring systems). The bill currently allows police to access facial recognition data if businesses provide the data "pursuant to a law enforcement investigation." The legislature should strengthen this provision to require police to obtain a warrant in order to access facial recognition data, whether historical or in real time. Minimum privacy safeguards such as a warrant requirement will ensure that police will not be able to mount an unblinking