

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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### MEMORANDUM

January 10, 2020

**To: Members of the Committee on Oversight and Reform**

**Fr: Committee Staff**

**Re: Hearing on “Facial Recognition Technology (Part III): Ensuring Commercial Transparency and Accuracy”**

On **Wednesday, January 15, 2020, at 10:00 a.m., in room 2154 of the Rayburn House Office Building**, the Committee will hold its third hearing this Congress on facial recognition technology. This hearing will examine the sale and use of commercial facial recognition technology by private industry, civilians, and government entities.

#### I. BACKGROUND

Over the past decade, private companies have been developing, using, and selling facial recognition systems that can identify or match the faces of U.S. citizens—with varying levels of accuracy. The National Institute of Standards and Technology (NIST) issued a new report in December analyzing commercial vendors of facial recognition systems. This report found: “Across demographics, false positives rates often vary by factors of 10 to beyond 100 times.”<sup>1</sup>

Nevertheless, facial recognition technology is being used increasingly in home security systems, social media sites, shopping malls, and elsewhere for advertising, security, access, photo and video data identification, and accessibility.<sup>2</sup>

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<sup>1</sup> National Institute of Standards and Technology, *Face Recognition Vendor Test (FRVT) Part 3: Demographic Effects* (Dec. 2019) (NISTIR 8280) (online at <https://nvlpubs.nist.gov/nistpubs/ir/2019/NIST.IR.8280.pdf>).

<sup>2</sup> *Privacy Principles for Facial Recognition Technology in Commercial Applications*, Future of Privacy Forum (Sept. 2018) (online at <https://fpf.org/wp-content/uploads/2019/03/Final-Privacy-Principles-Edits-1.pdf>); *San Francisco Bans Facial Recognition Technology*, New York Times (May 14, 2019) (online at [www.nytimes.com/2019/05/14/us/facial-recognition-ban-san-francisco.html?module=inline](http://www.nytimes.com/2019/05/14/us/facial-recognition-ban-san-francisco.html?module=inline)).

On May 22, 2019, the Committee held its first hearing this Congress on facial recognition technology. The hearing provided a broad overview on how the use of facial recognition technology can impact the civil rights and liberties of individuals across the country.<sup>3</sup>

On June 4, 2019, the Committee held its second hearing to examine the use of facial recognition technology by federal law enforcement entities and the need for oversight and regulation of how this technology is used on civilians.<sup>4</sup>

## **II. HEARING PURPOSE**

The purpose of the hearing is to examine the various ways that private sector entities use facial recognition technology; the potential transparency, privacy, accuracy, ownership, and security implications involved in its use and partnerships these companies develop with government entities; and the possible legislative and regulatory solutions that can be implemented to avoid these risks.

## **III. WITNESSES**

### **Brenda Leong**

Senior Counsel and Director of AI and Ethics  
Future of Privacy Forum

### **Dr. Charles Romine**

Director, Information Technology Laboratory  
National Institute of Science and Technology

### **Meredith Whittaker**

Co-Founder and Co-Director, AI Now Institute  
New York University

### **Daniel Castro**

Vice President and Director of Center for Data Innovation  
Information Technology and Innovation Foundation

Staff contacts: Majority Staff at (202) 225-5051.

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<sup>3</sup> Committee on Oversight and Reform, *Hearing on Facial Recognition Technology (Part I): It's Impact on Our Civil Rights and Liberties* (May 22, 2019) (online at <https://oversight.house.gov/legislation/hearings/facial-recognition-technology-part-i-its-impact-on-our-civil-rights-and>).

<sup>4</sup> Committee on Oversight and Reform, *Hearing Facial Recognition Technology (Part II): Ensuring Transparency in Government Use* (Jun. 4, 2019) (online at <https://oversight.house.gov/legislation/hearings/facial-recognition-technology-part-ii-ensuring-transparency-in-government-use>).