

Legislative Trends and International Practices in Facial Recognition Technology

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Abstract

Facial recognition technology uses algorithms to analyze and compare personal facial images with those in a database to authenticate individual identity. Recently, due to its efficiency, this technology has become increasingly popular in various social fields. To prevent violations of fundamental human rights from the misuse or abuse of facial recognition technology, some regional organizations and countries have either enacted (proposed) new laws or revised their data protection and privacy laws to regulate the use of facial recognition technology. For example, to regulate the use of artificial intelligence and face recognition technology, the European Commission proposed the “Rules for the Unification of Artificial Intelligence Rules of the European Parliament and Council and the Amendment of Several Union Legislations” (called as Artificial Intelligence Act) in April 2021. In May 2024, after votes of approval from both the European Parliament and the European Commission, the draft officially became law. Additionally, several law proposals regarding facial recognition technology have been deliberated by the federal legislators of the US. Meanwhile, some US states such as California, Massachusetts, or Washington have enacted legislation concerning face recognition technology. Meanwhile, several Asian countries, including Japan, South Korea, and Singapore, have revised their data protection laws to enhance the protection of facial data.

Considering this context, this article analyzes the current legislative models of face recognition technology laws, the characteristics of major regulatory measures, and the driving forces influencing the trend of facial recognition

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technology regulations. This article identifies two major legislative models for face recognition technology. The first model consists of enacting new laws, such as enacting specific and framework laws. The second model is to revise laws regarding the protection of personal data or privacy laws. In terms of the characteristics of regulatory measures, face recognition technology legislation is characterized by strengthening transparency and accountability mechanisms. Additionally, international human rights mechanisms and judicial decisions concerning facial recognition technology have guided and facilitated the current global wave of face recognition legislation.

Keywords: Facial Recognition Technology, Legislative Model, Regulatory Features, Driving Forces, International Human Rights Regime