



AZRIA AVOCATS
NOUVELLES TECHNOLOGIES ET DONNÉES PERSONNELLES

FACIAL RECOGNITION

DRAFT GUIDELINES



FACIAL RECOGNITION

- Guidelines for legislators and decision-makers
- Guidelines for developers, manufacturers and service providers
- Guidelines for user organisations
- The rights of data subjects



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- **Guidelines for legislators and decision-makers**
 - Legal basis
 - Prohibition of certain uses
 - National laws framework
 - Quality of consent
 - Necessary involvement of supervisory authorities
 - Labelling/ Certification
 - Raising awareness of data subjects



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- **Guidelines for developers, manufacturers and service providers**
 - Data and algorithm quality
 - Representativeness of used data
 - Data life duration
 - Reliability of the tools used
 - Awareness and traceability
 - Privacy by design



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- **Guidelines for user organisations**
 - Limitations on use – Proportionality
 - Data security
 - Transparency
 - Impact analysis and risk assessment
 - Accountability
 - Ethical framework



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■ THE RIGHTS OF DATA SUBJECTS

- all the rights provided for by Article 9 of Convention 108+ are guaranteed to the data subjects
- the right not to have such processing carried out without his or her views being taken into account if the use of facial recognition technology is intended to enable a decision to be taken exclusively on the basis of automated processing which would significantly affect the data subject
- the right to know the reasoning underlying the processing operations on data concerning them, which should include the consequences of that reasoning
- the right to object at any time unless the controller demonstrates legitimate grounds