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"Lifting Barriers to Empower the Future of Information Law and Ethics"

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Title: "Not just another face in the crowd: The invasive potential of the use of face recognition technologies on social networks"

ABSTRACT

The increasing use of face recognition technologies on social networks means that an individual can seldom be just another face in the crowd. As face recognitions technologies enables the identity of an individual to be ascertained from a digital image, the use of such technologies can lead to the identity of an individual being inadvertently disclosed through photographs uploaded on Instagram, Facebook, MySpace or other social media sites. Further, such identity information can be combined with other technological practices such as data mining and database harvesting to support online crime. An important question that arises in such a context is – Should privacy laws and criminal laws be expanded to limit the use of face recognition technologies on social networks?

At present, the unauthorised use of face recognition software is not expressly addressed by Australian privacy or criminal laws. The paper considers whether, and to what extent, the deployment of face recognition technologies should properly be subject to legal limitations.

The paper begins by outlining the intrusive nature of face recognition technologies on social networks, and analyse the limitations of present privacy and criminal laws in this area. The paper then considers the public policy justification for new and specific laws governing the use of such technologies. In this regard, the paper will evaluate the continuing relevance of the distinction made in the law between "information gathering" and "information use", and submit that, in the context of social media, this represents a continuum rather than two discrete processes. Finally, the paper will present various options for law refinement in this area. International developments on the governance of face recognition technologies will be noted in order to situate the law reform options within the wider global reform discourse.