

The New York Times

Microsoft Urges Congress to Regulate Use of Facial Recognition

By [Natasha Singer](#)

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Microsoft on Friday became the first tech giant to join a growing call for regulations to limit the use of facial recognition technology.

In a lengthy blog post about the potential uses and abuses of facial recognition, Bradford L. Smith, the company's president, compared the technology to products like medicines and cars that are highly regulated, and he urged Congress to study it and oversee its use.

"We live in a nation of laws, and the government needs to play an important role in regulating facial recognition technology," Mr. Smith wrote. He added: "A world with vigorous regulation of products that are useful but potentially troubling is better than a world devoid of legal standards."

Tech giants rarely advocate regulation of their innovations, and Mr. Smith's unusual entreaty illustrates how powerful technologies involving artificial intelligence — including facial recognition — have set off a contentious battle among tech executives. These technologies have the potential to remake industries. They could also reduce workers' job prospects or result in unequal opportunities for consumers, leading some to argue that the products are too risky for tech companies to deploy without government oversight.

Mr. Smith's appeal also comes as Silicon Valley is facing withering scrutiny from lawmakers and privacy experts. Several companies have been harshly criticized in recent months for their role in spreading false information during the 2016 election, and exploiting users' personal data. In response, some businesses, like Facebook, have expressed more openness to regulation of practices like political advertising.

With many of its rivals under fire, Microsoft has aggressively tried to position itself as the moral compass of the industry. Company executives have been outspoken about safeguarding users' privacy as well as warning about the potential discriminatory effects of using automated algorithm to make important decisions like hiring.

uses of the technology.

“Should law enforcement use of facial recognition be subject to human oversight and controls?”
E wrote. “Should the law require that companies obtain prior consent before collecting individuals’ images for facial recognition?”

In the European Union, many of these questions have already been settled.

A tough new data protection law there generally prohibits companies from collecting the biometric data needed for facial recognition without first obtaining users’ specific consent. Illinois has similar restrictions.

Facial recognition software is used at Logan International Airport in Boston. Civil liberties advocates have warned that the technology could enable mass surveillance.
Gretchen Ertl for The New York Times

In his blog post, Mr. Smith said Congress should appoint a commission to study the issue and make recommendations on potential regulations. The Federal Trade Commission has already examined facial recognition, recommending in a 2012 report that certain companies “provide consumers with an easy-to-use choice not to have their biometric data collected and used for facial recognition.” But Congress never took up those recommendations and enacted them into law.

He also said Microsoft had rejected facial recognition requests from certain customers “where we’ve concluded that there are greater human rights risks,” and that the company was committed “establishing a transparent set of principles” for the technology.

Microsoft employees recently protested the company’s contract with Immigration and Customs Enforcement, the federal agency that has been involved in the separation of migrant children from their families at the border. In his blog post, Mr. Smith wrote that the company’s contract with that agency “isn’t being used for facial recognition” or to separate families.

Ms. Isenhower, the Microsoft spokeswoman, declined to answer questions about whether the company provided facial recognition services to other government agencies or whether it had put any specific restrictions on its customers’ use of the technology. She also declined to discuss the company’s position on consumer consent for facial recognition.

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