

**Question for written answer E-002586/2022
to the Commission**

Rule 138

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Subject: PimEyes: the fundamental rights implications of private use facial recognition technology and biometric databases

The face search system PimEyes deploys facial recognition technology on a database including more than 900 million pictures from across the internet, social media profiles and even pornographic websites. This database is in the hands of a private party and is universally free to access and use.

Apart from obvious data protection concerns and ethical questions, such as employers being able to look up compromising photos of possible future employees, these tools can be used for gender-based cyberviolence, for example to stalk women, expose trans people, search for non-consensual images ('revenge porn') of specific individuals or identify sex workers.

1. What is the Commission's legal assessment of the collection of biometric data, building private databases of people's images and privately using biometric identification systems, especially in the light of the General Data Protection Regulation?
2. What does the collection or purchase of this data mean for the right to one's image and personality rights?
3. The AI Act proposal currently only contains a prohibition on 'the use of "real-time" remote biometric identification systems in publicly accessible spaces for the purpose of law enforcement' (Article 5). In the light of the above concerns, does the Commission see potential unacceptable risks for fundamental rights regarding the use of biometric identification software by private parties?