



OVERVIEW

CANADIAN TIRE ASSOCIATE DEALERS' USE OF FACIAL RECOGNITION TECHNOLOGY

Background

The OIPC surveyed 13 of BC's largest retailers to determine the prevalence of FRT in the province's retail sector, following media reports about its use in the industry.

One retailer reported using FRT - Canadian Tire; specifically 12 Associate Dealers of the company were using the technology. The Commissioner investigated four stores, covering the regions of the Lower Mainland, Vancouver Island, and the Interior.

Why?

Each human face is unique. Facial recognition technology captures that uniqueness through a series of precise facial measurements. This is highly sensitive personal information that cannot be collected in British Columbia, except in very limited circumstances.

Legislators and policy makers in democracies around the world have banned or significantly restricted the use of biometric technologies, like FRT. When those uses are permitted, the technology is often reserved for law-enforcement agencies, who have broad collection authority. Even when operating exclusively in the hands of law enforcement, FRT is restricted to limited circumstances and requires diligent security measures.

Issues for investigation

- Whether customers entering the stores gave consent to collecting their personal information using FRT;
- Whether those customers were properly notified about how their images and facial biometrics would be collected and used; and
- Whether the broad use of FRT in this case was reasonable.

Findings

The stores were required to obtain consent prior to, or at the time of, collecting individuals' images and creating facial biometrics.

The stores did not meet properly notify customers of its use of FRT, per s. 10 of PIPA.

The stores did not obtain implicit or explicit consent for the collection or use of biometric information via FRT, contrary to s. 7 and 8 of PIPA.

The stores did not demonstrate a reasonable purpose, as required by ss. 11 and 14 of PIPA, to collect or use personal information through FRT.

Recommendations

The stores should build and maintain robust privacy management programs that guide internal practices and contracted services.

BC Government should amend the *Security Services Act* or similar enactment to explicitly regulate the sale or installation of technologies that capture biometric information.

BC Government should amend PIPA to create additional obligations for organizations that collect, use, or disclose biometric information, including requiring notification to the OIPC.

"I recognize retailers face a challenging environment, but they must very carefully consider the privacy rights of their customers before buying and installing new technologies that gather very sensitive personal information," said Commissioner Michael McEvoy

