

**Opening Remarks of FTC Chairman Jon Leibowitz As Prepared For Delivery
Face Facts Forum
Washington, DC
December 8, 2011**

Good morning. Welcome, all of you – both here in Washington, D.C. and those watching online – to today’s workshop on facial recognition technology. We are going to start with a brief clip from the Tom Cruise–Steven Spielberg collaboration, *Minority Report*.

[SHOW CLIP]

That is the future DreamWorks imagined for 2054 – in 2002; facial recognition technology then was the province of fiction writers and futuristic movies. In fact, were we having this conference in 2002, we would probably be holding it in LA, the audience would be full of science fiction buffs, Steven Spielberg would give the keynote, and we might have had the budget to actually provide you lunch.

But here we are in 2011, a full 43 years ahead of schedule, with reports of companies beginning to roll out smart signs that tailor messages based on passer-bys’ general attributes – age and gender – all gleaned through technology that doesn’t appear so far from that showcased in *Minority Report*.

Although we’re not aware of any companies engaged in the exact practice depicted in the movie clip, the technology is not that far off. Today we will discuss current uses that even Steven Spielberg couldn’t have dreamed of for one of his films. For example, we have representatives here from SceneTap, which produces an app that uses facial detection software to help bar hoppers in Chicago scope out the crowd at more than 50 different bars. (I suppose that if I were 25, that app would be a “must have.”) And Facebook has launched new facial recognition technology to help you troll through vast stores of pictures to tag people in the photos you post – or to help others tag you in the photos they post.

These sorts of technologies have already taken hold in law enforcement and the military; in that area, they are as controversial as they are interesting. But the FTC approaches facial recognition technology from a slightly different angle, and so will today’s workshop. We will focus on commercial use – that is, on the possibilities these technologies open up for consumers as well as their potential threats to our privacy.

The mission of the FTC is to protect the nation's consumers as we navigate the marketplace and to promote competition as it shapes the economy. In our role, we walk a line between encouraging innovative technologies, online and off, that are reshaping our society and protecting consumers' right to privacy – a right as old as our Constitution. We do that through both policy and enforcement.

Last December, FTC staff issued a draft privacy report reimagining how we can protect consumers in an increasingly digital and mobile age; we expect to put out a final version of that report in the next month or so. The preliminary report recommended that companies build privacy into their systems at the design phase – what we call “privacy by design”; simplify the ability of consumers to exercise choices; and improve transparency of information practices. As one example of simplifying choice, the report recommended implementation of Do Not Track, a system we envision empowering consumers (and not the government) to take control of the data companies collect about us online.

In the enforcement arena, for the three of you in the room who have not heard about our recent settlement with Facebook, our order requires the company to honor its privacy promises and implement a comprehensive privacy program subject to independent, third-party audits. We have reached similar settlements with Google and other companies in the past.

To be sure, the FTC will also vigorously enforce the law if we see a violation, in the face, as it were, of the new technologies we will examine today. But today's discussions aren't focused on enforcement – they are focused on policy: How can we get the most from facial recognition technology without compromising all of our rights to privacy?

Much of what we will talk about is exciting stuff, worthy of Dreamworks treatment. This new technology could allow authorities to find a missing child by comparing a photo taken at a store to a missing children's database. But we also must, right from the first days of these new technologies entering our markets, acknowledge and address that they have the potential to run right over consumers, forcing us to reveal more than we want to – or even know we have. We must confront openly the real possibility that these technologies, if not now, then soon, may be able to put a name with the face, so to speak, and have an impact on our careers, credit, health, and families.

Fortunately, we are lucky to have an excellent group here to begin this discussion. We will hear from technologists at NIST and Carnegie Mellon University; from representatives of small startups such as SceneTap and large companies such as Facebook, Google, and Intel; and from consumer advocates and privacy professionals out of places like EPIC and the Center for Democracy and Technology. Representatives from the Canadian government will discuss their experience with the technology, and my fellow Commissioner Julie Brill, who hails from almost Canada, will deliver remarks this afternoon.

There is a scene near the end of *Minority Report* in which Tom Cruise's character says: "you know your own future, which means you can change it if you want to." Today and going forward, our job is to look at and talk honestly about the future of facial recognition technology – and to work together to shape it into one that that benefits consumers and the market while respecting all of our right to privacy and control over our own personal story.