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Prohibit the use of automated facial recognition technology in public places and to provide for a review of its use.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Moratorium on the use of automated facial recognition technology for overt surveillance**

- (1) It is an offence for a person to operate, install, or commission the operation or installation of, equipment incorporating automated facial recognition technology capable of biometrically analysing those present in any public place in the United Kingdom. 5
- (2) For the purposes of subsection (1) “automated facial recognition technology” includes any equipment which can automatically detect and biometrically recognise facial images through data captured by a still or moving image camera, whether the identification takes place at the time the data is captured or at a later time. 10
- (3) For the purposes of subsection (1) a “public place” means a place to which at the material time the public or a section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, and the location of the equipment is immaterial. 15
- (4) Subsection (1) does not apply to an activity authorised under section 28 of the Regulation of Investigatory Powers Act 2000 or section 6 of the Regulation of Investigatory Powers (Scotland) Act 2000 (asp 11).
- (5) A person guilty of an offence under subsection (1) is liable on summary conviction— 20
  - (a) in England and Wales, to imprisonment for a term not exceeding 51 weeks, to a fine or to both; or
  - (b) in Scotland or Northern Ireland, to imprisonment for a term not exceeding 6 months, to a fine not exceeding level 5 on the standard scale or to both. 25

- (6) In relation to an offence committed before the coming into force of section 281(5) of the Criminal Justice Act 2003, the reference in subsection (5)(a) to 51 weeks is to be read as a reference to 6 months.

## **2 Review of the use of facial recognition technology**

- (1) The Secretary of State must, within three months of the passing of this Act, commission a review of the use of automated facial recognition technology in public places in the United Kingdom, to report to the Secretary of State within one year of its establishment. 5
- (2) The Secretary of State must lay the report of the review before both Houses of Parliament, together with the Government's response, within three months of receiving it. 10
- (3) Before a review is commissioned under this section, the Secretary of State must by regulations made by statutory instrument establish its terms of reference and the criteria to be used in appointing, and the size of, the panel to conduct it.
- (4) The panel may not include any individual who has a close association with Her Majesty's Government, or who has previous or concurrent obligations as a government-appointed reviewer. 15
- (5) The terms of reference must cover, at a minimum, consideration of –
- (a) the equality and human rights implications of the use of automated facial recognition technology; 20
  - (b) the data protection implications of the use of that technology;
  - (c) the quality and accuracy of the technology;
  - (d) the adequacy of the regulatory framework governing how data is or would be processed and shared between entities involved in the use of facial recognition; 25
  - (e) recommendations for addressing issues identified by the review; and
  - (f) whether the moratorium should be lifted.
- (6) A statutory instrument containing regulations under subsection (3) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament. 30

## **3 Commencement, extent and short title**

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) This Act comes into force at the end of the period of two months beginning on the day on which it is passed.
- (3) This Act may be cited as the Automated Facial Recognition Technology (Moratorium and Review) Act 2019. 35



# Automated Facial Recognition Technology (Moratorium and Review) Bill [HL]

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To prohibit the use of automated facial recognition technology in public places and to provide for a review of its use.

*Lord Clement-Jones*

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