



IP ITeasers 060:

Frasers faces fracas

The Frasers Group, which owns the House of Fraser and Sports Direct, is facing a growing storm for using live facial recognition cameras to identify people who have been banned from their stores. Apart from the disconnect that people are actually banned from these stores, the issue revolves around the well documented problems of facial recognition being inaccurate, in particular when distinguishing between non-male, non-Caucasians, and so wrongly invading people's privacy in a discriminatory manner. Facial recognition works by mapping a number of data points on the face (akin to mapping the ridges of a fingerprint), and then comparing that map with a database of known (in this case) undesirables. The underlying information is closely related to copyright in a map, be it a traditional paper copy or a modern database of data points.

In the case of the Frasers Group, a particularly worrying aspect is that a member of staff may add for any reason any face that has been scanned to a database base of "subjects of interest" – the potential for abuse is obvious (for example to rival Roll-on-Friday's Sexy Lawyer of the Week section). The UK's Information Commissioner's Office has raised concerns about this practice, but it has done nothing to stop it. In contrast, the Dutch Data Protection Authority has issued a formal warning to a supermarket that adopted a similar system. 1984 here we come.