

**Senate Judiciary Committee
Subcommittee on Privacy, Technology and the Law
Hearing on “What Facial Recognition Technology Means for
Privacy and Civil Liberties”
July 18, 2012**

**Questions for the Record from U.S. Senator Al Franken
for Mr. Rob Sherman**

- 1. After it purchased Face.com, Facebook deleted all of the faceprint data that the company held. But Facebook has a database of faceprints of its own: Facebook has around 900 million users—close to a billion. How many users’ facial templates (or “faceprints”) does Facebook have?**

Although we consider the specific number of facial recognition records, or “templates,” that we store to be sensitive and proprietary information and do not disclose it outside of the company, we understand the importance of taking appropriate steps to help protect the security of this information. That is why we store templates in encrypted form and maintain them in a monitored and access-restricted database. We also have engineered our systems so that our facial recognition data is not interoperable with other systems and, therefore, would be of little use to anyone outside of Facebook. We provide our users with specific details about how our system works, as described below.

- 2. Illinois and Texas state law requires that a company get a person’s consent before generating a faceprint for him or her. You have millions users in each of those states. If Tag Suggestions is on by default—if it is an opt-out program—how are you complying with those laws?**

We operate the Facebook service in compliance with all applicable laws, and our implementation of the tag suggestions feature does not conflict with the laws of either state identified in this question.

At Facebook, we work hard to be clear about how we use information about people and how we obtain their consent. All of our users must specifically agree to our Terms and to have reviewed our Data Use Policy, which is presented to users when they sign up for Facebook accounts and is linked to throughout our website. With regard to our tag suggestions feature, the Data Use Policy states:

We are able to suggest that your friend tag you in a picture by scanning and comparing your friend's pictures to information we've put together from the other photos you've been tagged in. This allows us to make these suggestions. You can control whether we suggest that another user tag you in a photo using the “How Tags work” settings. Learn more at: <https://www.facebook.com/help/tag-suggestions>

This tag suggestions help page provides more information about how we use facial recognition technology to power tag suggestions. Specifically, it explains:

We currently use facial recognition software that uses an algorithm to calculate a unique number (“template”) based on someone’s facial features, like the distance between the eyes, nose and ears. This template is based on photos you’ve been tagged in on Facebook. We use this template to suggest tags to you when you’re adding a new photo to Facebook. Note that templates are only created for people on Facebook who’ve been tagged in a photo. If you un-tag yourself from a photo, that photo is not used to create the template. We also couldn’t use a template to recreate an image of you.

The same page provides instructions on how users can easily opt out of participating in tag suggestions and indicates:

When you turn off tag suggestions, Facebook won’t suggest that friends tag you when photos look like you. The template that we created to enable the tag suggestions feature will also be deleted. Note that friends will still be able to tag photos of you manually.

3. Facebook recently bought Face.com. Does Facebook have any plans for producing a real-time facial recognition application, and if so, what precautions will the company take to make sure it can’t be used to identify strangers?

Facebook’s tag suggestions feature uses software to examine a photograph that a Facebook user provides to us and suggest which of a person’s friends we believe may be in the photo, and whom that user might want to tag. This allows us to help streamline the process of tagging photos on Facebook. We do not have any current plans to expand our facial recognition application to one that identifies strangers in real time – our focus is on facilitating the tagging of photographs on Facebook.