May 26, 2021

The Honorable Mark Conway
Chair, Public Safety and Government Operations Committee
Baltimore City Council
Du Burns Council Chamber, 4th Floor, City Hall
Baltimore, MD 21202

Re: Business Community Concerns With Proposed Ordinance 21-0001 on Facial Recognition Technology

Dear Chairman Conway and members of the Public Safety and Government Operations Committee:

We, the undersigned organizations, represent civil society, companies and trade associations, including a diverse network of businesses and technology providers in the Baltimore region and nationwide. We appreciate the opportunity to jointly express our concerns with provisions in draft ordinance 21-0001 that would criminalize nearly all uses of facial recognition technology by both individuals and businesses in Baltimore.

We share the goal of ensuring responsible, ethical and nondiscriminatory use of all technologies, including facial recognition. While technology itself is not inherently good or bad, any technology could have a wide range of specific potential applications. If any are problematic, then regulation may be required.

As currently drafted, however, the ordinance imposes an outright ban on business and personal use of facial recognition technology, versus identifying specific potential uses of the technology that may cause concern. Prohibiting Baltimoreans from having access to opt-in customer experience conveniences, whether in retail, health care or other settings, is much broader than the concerns raised around law enforcement and government applications that seem to be the basis for the ordinance and the sole focus of Committee discussions thus far.

Many commercial applications that already have broad public acceptance would fall under this ban. Also prohibited are emerging advanced applications coming available in the near term. Here are just some applications that would be prohibited:

- Increased and customized accessibility for disabled persons
- Devices that assist people suffering from blindness, memory loss or prosopagnosia (face blindness) with recognizing friends and others

- Emergency systems to determine building occupant status following an evacuation order during a fire or other life-threatening event
- Health care facilities to verify patient identities while reducing the need for close-proximity interpersonal interactions
- COVID-19 mitigation applications for business operations, allowing users to verify identities for vaccine validation, test results and other information
- In-home electronic devices with facial recognition, like smart baby monitors
- Customization of heating, lighting, sound and other room features based on building occupant preference/needs
- Online test proctoring software
- Banks to enhance consumer security to verify purchases and access ATMs Remote online identity document verification, such as those used for online sellers or gig economy workers
- Automobiles to unlock doors, start motors and adjust seats, mirrors and climate control systems
- Hotels to recognize loyal customers, speed check-in and unlock rooms
- Retailers to speed checkout lines with contactless payment
- Venues to permit faster, more efficient and more hygienic ticketless access to concerts and other events and to prevent ticket fraud

We strongly urge you not to approve the outright ban proposed in ordinance 21-0001 on many beneficial and noncontroversial consumer and business technologies; however, it is important to ensure that advanced technologies are being used for the benefit of consumers and the public. We urge city officials to allow additional time for dialogue with stakeholders regarding business and consumer use of this technology, to identify concerns and determine how they could be thoughtfully and reasonably addressed.

We stand ready to provide any additional information or expertise needed as you consider these issues.

Sincerely,

Consumer Technology Association (CTA)
Information Technology and Innovation Foundation (ITIF)
Security Industry Association (SIA)
XR Association