MD SB476
FACIAL RECOGNITION PRIVACY PROTECTION ACT

Position: Favorable

Oral Testimony of Frank Torres
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Microsoft

Chair Kelley members of the committee I am Frank Torres, the Director of Public Policy for Microsoft's Office of Responsible AI.

Thank you for the opportunity to be here.

Microsoft supports SB476. The bill will establish safeguards to allow the technology to be used in beneficial ways while prohibiting uses that threaten privacy and civil liberties. We applaud Sen. Sydnor, the bill's sponsor, and the committee for its leadership.

The first part of the bill addresses the commercial sector. Here are some key guardrails in the bill:

- **Fairness:** developers of facial recognition technology must provide API's or other mechanisms so third-parties test for accuracy and examine it for bias. When problems with the technology are discovered, they must take action.
- **Consent:** people must give permission for companies to add their image to a facial recognition database.
- **Notification:** in any public place where facial recognition technology is used, companies must post clear notice.
- **Human Review:** when critical decisions such as mortgage approvals or employment considerations are being made humans have to be involved in the decision-making process.

The bill also addresses the government's use of facial recognition.

There are many potential ways police can use facial recognition technology to keep people safe - as an investigative tool to help identify suspects; to find victims of sex trafficking; to reunite missing persons with their loved ones.

The public believes such use is acceptable. A 2019 survey by Pew found a majority of Americans trust law enforcement agencies to use facial recognition technology responsibly.

We recognize that there are concerns. The bill addresses them.

- **On issues of oversight, transparency, and accountability** the bill requires public accountability reports on how the technology will be used, its capabilities and limitations, purpose, data management policies, training, and assessments to determine potential impacts on subpopulations and what measures were taken to mitigate those impacts.
- **Lack of community participation** is addressed by requiring agencies to hold public notice and comment periods before using FR tech; establish open channels for ongoing community feedback on the use of FR tech; and, conduct community meetings.
- **Concerns about bias and discrimination** are addressed by banning any use that discriminates against protected classes of people and testing for inaccuracies, bias, and discrimination is required.
- I**ndividual rights and free speech** are protected by prohibiting ongoing surveillance unless there is a search warrant or threat of imminent danger. Use of facial recognition is prohibited based on religious, political, or social views or activities or participation in lawful events or organizations. Use of facial recognition must be disclosed to criminal defendants.

SB 476 provides strong baseline standards that will give people meaningful protections for the first time. We are committed to working with you and other stakeholders to ensure protections are in place for all Marylanders.