Testimony in Support of HB 223: Criminal Procedure - Facial Recognition Technology - Requirements, Procedures, and Prohibitions

February 7, 2023

Chairman Clippinger and distinguished members of the Judiciary committee, we are writing to offer our support for HB 223 which focuses on law enforcement use of facial recognition technology. We wish to thank Delegate Moon for his sustained attention to this important issue.

Microsoft believes that facial recognition can provide benefits to society, including by securing devices, assisting people who are blind or with low vision access to more immersive social experiences, and advancing public safety.

However, we also recognize that without clear guardrails that have the force of law, facial recognition technology creates potential risks, including in relation to potential bias and risk of unfair performance, potential new intrusions into people's privacy, and possible encroachment on democratic freedoms and human rights.

Microsoft is clear-eyed about these potential risks. We have enacted internal safeguards, including implementing Facial Recognition Principles[1] and developing our Face API Transparency Note, providing information to customers around appropriate and responsible use of our systems[2]. In addition to enacting these safeguards, Microsoft continues to believe frameworks must be developed that guide responsible use. This need is particularly acute for government and law enforcement use of facial recognition given the consequential nature of the decisions made by these organizations.

We support the way in which the bill lays out provisions for transparency and accountability around how law enforcement use facial recognition and encourage you to continue to advance this important legislation.

Thank you for your consideration, we urge a favorable report.

Sincerely,

Owen Larter
Director, Responsible AI Public Policy
Microsoft Corporation

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[1] Microsoft, *Six Principles for Developing and Deploying Facial Recognition Technology*, https://blogs.microsoft.com/wp-content/uploads/prod/sites/5/2018/12/MSFT-Principles-on-Facial-Recognition.pdf.
[2] Microsoft AI, *Transparency Note: Azure Cognitive Services: Face API* (2019), https://azure.microsoft.com/mediahandler/files/resourcefiles/transparency-note-azure-cognitive-services-face-api/Face%20API%20Transparency%20Note%20(March%202019).pdf.