Resolution in Opposition to Facial Recognition Software in Libraries

Whereas facial recognition is defined as computer programs that analyze images of human faces for the purpose of identifying them[1];

Whereas the American Library Association (ALA) Policy B.2.1.17 (Privacy) states that "Protecting user privacy and confidentiality is necessary for intellectual freedom and fundamental to the ethics and practice of librarianship";

Whereas the *Library Bill of Rights* states, "All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information";

Whereas ALA's *Library Bill of Rights* and its interpretations maintain that all library users have the right to be free from unreasonable intrusion into, or surveillance of, their lawful library use;

Whereas there have been efforts in Congress — including those by Senator Edward J. Markey (D-MA), along with Senator Jeff Merkley (D-OR), Congresswoman Pramila Jayapal (D-WA) and Congresswoman Ayanna Pressley (D-MA) — to regulate and restrict facial recognition and biometric technology[2];

Whereas ALA advocates for users to have the right to access library materials and spaces without having their privacy invaded;

Whereas facial recognition data is often collected without the informed consent of the individual, creating opportunities for the unauthorized surveillance and monitoring of library users[3];

Whereas the use of facial recognition technology has expanded without sufficient oversight standards being put in place, especially for law enforcement[4];

Whereas the mechanisms of facial recognition software are rarely revealed because of proprietary status and intellectual property law;

Whereas current studies[5] on facial recognition software show extreme gender and racial bias, a shocking prevalence of racist misidentification[6], and the use of prejudicial

algorithms and harmful stereotypes that can lead to consequences for those misidentified[7];

Whereas the use of facial recognition technology is inherently inconsistent with the *Library Bill of Rights* and other ALA policies that advocate for user privacy, oppose user surveillance, and promote anti-racism, equity, diversity, and inclusion;

Whereas current federal law would not prevent library use data from being shared with third parties[8], thus opening it up to mining, monetization, and malicious misuse;

Whereas 70% of the 404 respondents who offered comment in an ALA Intellectual Freedom Committee survey distributed on February 24, 2020 on facial recognition software expressed a negative opinion of the use of such software in libraries[9];

Whereas the implementation of facial recognition software also impairs the privacy of the library workers through compelled consent to the submission and use of their biometric data;

Whereas ALA Policy B.1.2 (Code of Professional Ethics for Librarians) states in Article V that as a profession we ". . . advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions"; and

Whereas use of facial recognition systems is invasive and outweighs any benefit for library use; now, therefore, be it

Resolved that the American Library Association (ALA), on behalf of its members:

1. opposes the use of facial recognition software in libraries of all types on the grounds that its implementation breaches users' and library workers' privacy and user confidentiality, thereby having a chilling effect on the use of library resources;

2. recommends that libraries, partners, and affiliate organizations engage in activities to educate staff, users, trustees, administrators, community organizations, and legislators about facial recognition technologies, their potential for bias and error, and the accompanying threat to individual privacy;

3. strongly urges libraries, partners, and affiliate organizations that use facial recognition software to immediately cease doing so based on its demonstrated potential for bias and harm and the lack of research demonstrating any safe and effective use; and

4. encourages legislators to adopt legislation that will place a moratorium on facial recognition software in libraries.

Adopted by the Council of the American Library Association
Tuesday, January 26, 2021, ALA Virtual Midwinter Council Meeting

Tracie D. Hall, Executive Director and
Secretary of the ALA Council

1. "Facial Recognition Technology," ACLU.

2. "Senators Markey and Merkley, and Reps. Jayapal, Pressley to introduce legislation to ban government use of facial recognition, other biometric technology," markey.senate.gov, June 25, 2020.

3. Kashmir Hill, "The Secretive Company That Might End Privacy as We Know It," *New York Times*, February 10, 2020.

4. Clare Garvie, Alvaro Bedoya, and Jonathan Frankle, "The Perpetual Line-Up: Unregulated Police Face Recognition in America," Georgetown Law, 2016; ACLU, "ACLU of Louisiana Obtains E-mails that Confirm NOPD's Use of Racially Biased Facial Recognition Technology," December 14, 2020; ACLU, "ACLU of Washington Calls on Mayor Jenny Durkan to Ban Face Recognition Technology after the Seattle Police Department's Apparent Violation of the City's Surveillance Ordinance," December 2, 2020; Kevin Rector, "Police Commission to review LAPD's facial recognition use after Times report," Los Angeles Times, September 22, 2020.

5. "NIST Study Evaluates Effects of Race, Age, Sex on Face Recognition Software," National Institute of Standards and Technology, May 18, 2020; Larry Hardesty, "Study finds gender and skin-type bias in commercial artificial-intelligence systems," MIT News, February 11, 2018; Erik Learned-Miller, Vicente Ordóñez, Jamie Morgenstern, and Joy Buolamwini, "Facial Recognition Technologies in the Wild: A Call for a Federal Office," Algorithmic Justice League, May 29, 2020; Nicolás Rivero, "The Influential Project That Sparked the End of IBM's Facial Recognition Program," Quartz, June 10, 2020.

6. Alex Najibi, "Racial Discrimination in Face Recognition Technology," Harvard University, October 24, 2020; Steve Lohr, "Facial Recognition Is Accurate, if You're a White Guy," New York Times, February 9, 2018; James Vincent, "Google 'fixed' its racist algorithm by removing gorillas from its image-labeling tech," The Verge, January 12, 2018.

7. Bobby Allyn, "'The Computer Got It Wrong': How Facial Recognition Led to False Arrest of Black Man," NPR, June 24, 2020; Paul Lewis, "'I Was Shocked It Was So Easy': Meet the Professor Who Says Facial Recognition Can Tell If You're Gay," The Guardian, July 7, 2018.

8. Alicia Puente Cackley, "Facial Recognition Technology: Privacy and Accuracy Issues Related to Commercial Uses," GAO Reports, August 11, 2020.

9. "Summary of Comments from Facial Recognition Survey," Intellectual Freedom Committee's Facial Recognition Working Group, November 16, 2020.

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