

# **The Possibilities of the Use of Facial Recognition Technology in the Context of Personal Data Protection in the EU**

## **Abstract**

This thesis focuses on the data protection connected to the use of facial recognition technology in the EU. In particular, the purpose of the thesis is to assess under which circumstances and conditions the use of this technology complies with the GDPR. Marginally, the thesis addresses the risks and benefits of facial recognition technology. The thesis is divided into three parts. The first part examines the general data protection framework in the EU, with an emphasis on the protection of biometric data. The aim of this part is to outline the main legal background regarding the protection of biometric data and the general principles of data processing. In particular, the author criticizes the legal definition of biometric data, which does not correspond to the technological reality, and which may be problematic in the case of the application of Article 9 of the GDPR. The second part of the thesis is devoted to facial recognition technology itself, its different types, and applications. An understanding of the technology itself is crucial within this thesis for the correct application of the legal framework. The author also finds it necessary to examine the reasons why this technology is being used and how the society may benefit from its usage in relation to its risks. Within this section, the scope of the thesis is narrowed down to technology based on identification and verification. In addition, this section includes an analysis of previous court and data protection authorities' decisions regarding facial recognition technology. The last part of this thesis then deals directly with the application of the GDPR to identification and verification technology. Within this part, the compliance of facial recognition technology with the various principles of the GDPR, Article 9 and finally the obligation to conduct a DPIA is assessed. This part draws in particular on the conclusions extracted from the analysis of decisions of individual data protection authorities and courts as part of its background. Within this part of the thesis, the author presents basic considerations on the conditions under which facial recognition technology can be used at all, given the current state of science and technology.

**Klíčová slova: facial recognition, GDPR, biometric data**