Preface

The author of this book – an updated version of her Ph.D. dissertation at the Catholic University of Leuven in Belgium – is clearly no stranger in the world of biometrics and biometric data systems. Both allow the biological or behavioural characteristics of human beings to be measured and processed for further automated use, such as the verification of their identity in different contexts. Indeed, the author has been involved in extensive research, including some of the most innovative EU research projects in this field, for a number of years. This book is the result of a systematic analysis of privacy and data protection issues related to the use of biometric applications in the light of current EU data protection law, and the national law and practice in some EU member states, especially Belgium, France and the Netherlands.

The technology of biometric systems has developed fast in recent years and is now also finding practical use. However, the use of biometric systems has so far not been the subject of much public debate or systematic interdisciplinary analysis. The issues that deserve such analysis range from the nature of biometrics – designed to make the unique characteristics of a person machine readable and object for automated use in other contexts – to some of the practical consequences, such as the fact that biometric applications usually have inherent limitations and thus give rise to inaccuracies ("false positives" and "false negatives"), which occur with varying degrees of probability and require some allocation of risk. The way this is done may have huge implications for all stakeholders.

Unfortunately, the introduction of biometric systems for large scale use in the public sector in the context of EU security, immigration and border control policies – notably in large scale systems such as Eurodac, VIS and SIS II, or as result of the inclusion of biometric characteristics in passports and travel documents – has not been preceded by small scale pilot projects, which could have allowed a gradual process of learning by doing. Such policies have instead often been developed at an early stage of innovation and under political pressure, so that the legislator had to anticipate potential problems in practice, and in some cases simply operated by trial and error.

A systematic analysis of the issues at stake, as presented in this book, is therefore very welcome. It now presents a much clearer picture of the nature and the specific risks of biometric applications, and of the way in which these features should be evaluated in the light of current EU data protection law. It is also quite welcome that this analysis focuses on biometric applications in the private sector, with a special emphasis on the principle of proportionality in its different dimensions. The potential uses of biometric applications in the private sector are still diverse, ranging from very local and small scale to highly problematic, including the potential use of facial recognition in social network systems which allow instant recognition of any person on the street.

The conclusions of this book are also relevant for the ongoing reform of the current EU legal framework for data protection. As the latter aims at more effective and more consistent protection of personal data across the EU – strengthening the roles of data subjects, responsible controllers and data protection authorities alike – its outcome will also have an impact on the use of biometric applications in the private sector. The author's conclusions and recommendations could play a role in the final stages of the legislative debate, but in any case contain some very useful messages for practitioners both under the current and the future rules on data protection, whenever they have to deal with biometric applications.

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