

The BEST Network Conference in conjunction with BIOSIG 2010
'The Biometric Landscape in Europe'
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The use of biometrics is rapidly increasing and applications range over security, e-governance, e-commerce, e-banking and health monitoring. The BEST Network conference brought together scientists, policy makers and biometric experts, to present new developments in the field of biometrics and also to address the ethical, social, and legal impacts of biometrics in everyday life. Of particular concern here was the work of the 7th Working Group of the BEST Network, which is focused on the impact of biometrics on society.

Juliet Lodge, Professor of European Studies at Leeds University, and partner for the 7th Working Group as well as the ICT Ethics project, led the concluding workshop of the conference, titled: *Quantum Surveillance: can biometrics be ethical?* Workshop participants were Jan Grijpink from the Dutch Ministry of Justice, Emilio Mordini, and Gerrit Hornung. They joined a debate about this crucial question, raising concerns about the use of biometrics from their respective perspectives and, thereby, highlighting sharp differences among computer scientists, policy makers, biometric experts and vendors.

The need for an interdisciplinary approach to biometrics-related issues is acute. It was agreed that close cooperation among different fields is essential and should begin *ab initio*, from the early stages of design and development of biometric products. Their uses should be introduced to wider audiences, and regulations established in order to protect human rights and safeguard human dignity as biometrics become more pervasive in a wide variety of applications.

Workshop Panel discussion: *Quantum Surveillance: Can biometrics be ethical?*

Introduction: Juliet Lodge

Chair: Max Snijder

Other participants: Emilio Mordini, Jan Grijpink, Gerrit Hornung

Juliet Lodge, Professor of European Studies at Leeds University and Director of the Jean Monnet Centre of Excellence, organised and led the concluding workshop of the conference, titled: *Quantum Surveillance: can biometrics be ethical?*

Prof. Lodge began by asking if biometrics applications could ever be considered ethical and whether biometrics opened the door to quantum surveillance. She raised the problems of utopia and dystopia. For example, the use of soft biometrics is neither purpose-limited, nor proportionate, and is already causing ‘harm’. The decoupling of identity from the biometric persona, the commodification of citizens, mission creep, and the abdication of responsibility to machines, she suggested, leads to privatised (un)accountability, and arbitrary (un)ethical (in)security, jeopardising our ethical values and practices. Prof. Lodge also suggested that the scope for unintended consequences was widening and potentially endangered our understanding. Governing practices are taken for granted in our liberal democracies, as well as human rights, data protection and privacy. She ended her presentation by challenging the audience to suggest how – given the insufficiency of robust, water-tight audits and the failure to bake-in security from the start in the design of biometric applications – the locus of authority and responsibility for outcomes could be held publicly accountable. Who is in control?

Jan Grijpink, from the Dutch Ministry of Justice, focused on the question of whether biometrics have changed the concept of identity. He argued that biometrics may not have changed the concept of identity but they certainly have qualified it. Technology cannot be neutral, he said. And, there is a need for the law to accommodate new technological realities to protect human rights. Jan Grijpink gave an example from the Netherlands on DNA databases which, in his views, demonstrates the problems that arise.

Gerrit Hornung pointed out the lack of common agreement over clear definitions of the concepts ‘biometrics’ and ‘ethics’. He saw this as problematic to constructing appropriate legal regulations and understanding between the different sectors using the terms. He suggested that there was a need to narrow the definition of biometrics; to differentiate between biometrics and behavioural analysis, and to seek clarification of these concepts by policy makers, especially when it comes to DNA databases.

Emilio Mordini suggested that determining whether biometrics are ethical requires answers to a set of pre-existing questions. He argued that people now are viewed in the EU as consumers. Accordingly, he suggested that ethics is not a manual that can be followed but requires enquiring into the justification of an action. Relating this to the concept of power, he

suggested that power is about the capacity for action; that ethics and technology have to do with action; that technology is a form of power since it creates the tools that are used to enact. Technology has the capacity to allow us to overcome human nature and social limitation. Technology, according to Mordini, is crystallized power and a narrative about power. The question to ask, he said, and agreeing with Juliet Lodge, was not whether technology can be ethical or unethical but whether the applications of the technology can. Consequently, socio-cultural context is important. Biometrics are used as a technology to guarantee security but, he suggested, they have not been able to achieve this. However, biometric applications can make peoples' lives easier. Turning to identity, he argued that the concept is vague and for this reason no discussion on this issue is possible, whereas there is an urgent need to discuss ethics in the face of the exponential growth of the new technologies: new technologies challenge the debate on ethics.

Guido Van Steendam raised the need to make links between the different disciplines. Technology cannot be on the one side and ethics on the other. Technology is growing in a social context. So, the question is how we can make technology accountable. Experts on ethics should be involved during the early stages of technological development processes. The first task is to minimise the borders between different areas and bring people from different disciplines into common projects. Experts from different fields should come together to exchange information and knowledge.

Other participants in the conference posed the issue of trust between citizens and government within the frame of e-governance. Policy makers and citizens lack education. The public does not have a clear view or understanding of new technologies, there among biometrics. The conclusion of the panel discussion was that a deeper debate on the ethical use of technology is crucial.