



Texas Sues BigTech BigTime For Abusing Facial Recognition Tools

Description

USA: Users of Meta Platform's popular social media ecosystems like Facebook and Instagram will likely remember how the company abandoned its facial recognition tools on the apps back in November. The feature scraped visual data from the platform to identify people in newly posted photos, and abandoning it dramatically reshaped Meta's attempt to retool its platforms, including plans to launch a child-only iteration of Instagram that would have functioned as a separate platform.

But the company's plans to abandon these controversial tools didn't go far enough, and now the Texas AG is suing the tech behemoth for hundreds of billions of dollars for flagrantly violating the state's laws surrounding data privacy: WSJ reported Monday morning that **Texas's attorney general has filed a lawsuit against Meta in state district court for illegally collecting metadata belonging to Texans using its facial recognition tools.**



Meta didn't respond to a WSJ request for comment, but Paxton and his office said the following:

“Facebook has been secretly harvesting Texans’ most personal information – photos and videos – for its own corporate profit,” Mr. Paxton said. **“Texas law has prohibited such harvesting without informed consent for over 20 years. While ordinary Texans have been using Facebook to innocently share photos of loved ones with friends and family, we now know that Facebook has been brazenly ignoring Texas law for the last decade.”**

Back when it was called Facebook, the company previously settled another lawsuit over its facial recognition practices for roughly \$650 million. That lawsuit was filed back in 2015 by the state of Illinois, which accused the company of violating its biometric privacy law, which is similar in some respects to the Texas law that Meta is being accused of breaking. Meta’s lawyers argued at the time that the company had required users to opt in or opt out of its facial recognition features, an argument that the company will likely re-use in its defense against Texas’s lawsuit.

FB’s efforts to have that case thrown out were unsuccessful, and it eventually settled out of court with Illinois.

Now, the latest lawsuit from Texas shows how new privacy laws are creating problems for major tech firms. In particular, Texas’s law makes it illegal for tech firms to capture biometric identifiers without the

explicit consent of users.

The Texas lawsuit—in particular the size of the civil penalties being sought—points to the impact that increasingly widespread privacy laws **could have on big tech companies' operations.**

After Facebook's settlement of the Illinois class-action case became known, Texas sent its own civil subpoena to the company seeking information about the facial-recognition system. Facebook announced it was ending its facial recognition system last November.

A civil subpoena issued by Paxton's office demanded that Meta turn over all the materials that Facebook had produced in response to the Illinois class-action lawsuit. Unlike that suit, Texas's law stipulates that it can only be enforced by the state's attorney general to the tune of \$25K per violation. The complaint estimates that at least 20 million Texans were affected. Texas had demanded that Facebook stop collecting facial recognition data belonging to Texans late last year, after the company said it would stop using those tools to automatically identify people in photos.

"Facebook announced, in November 2021, that it would cease use of the face-recognition feature on its Facebook social-media platform," the draft complaint says.

"Facebook has made no such commitment with respect to any of the other platforms or operations under its corporate umbrella, such as Instagram, WhatsApp, Facebook Reality Labs, or its upcoming virtual-reality metaverse."

One Twitter user succinctly explained how Facebook feels it can flout laws if there's a dollar to be made.

Facebook's assuming they can choose to ignore long-standing state privacy law simply because they saw a dollar to be made off it really says everything you need to know about how their corporation sees users of the platform <https://t.co/pmpjyjWcSo>

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