

Google Celebrity Recognition API Human Rights Assessment | Executive Summary

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1. PROJECT OVERVIEW AND METHODOLOGY

Google commissioned BSR to undertake a human rights assessment of facial recognition in the Media and Entertainment (M&E) industry and inform the development of a celebrity recognition application program interface (API). The API would enable an enterprise customer in the M&E industry to identify celebrities in their content at a frame-by-frame or scene-by-scene level using a database of celebrity images licensed by Google and available for use as part of its Cloud AI product portfolio.

This capability will allow the enterprise customer to more efficiently generate business value from content to which they have the rights. Frequently requested applications include assisting in human review, enabling better search and indexing for both the customer and their viewers, and facilitating the creative reuse of existing content.

The objectives of the assessment were to:

- » Identify and prioritize actual and potential human rights impacts, including both risks and opportunities.
- » Make recommendations to avoid, prevent, or mitigate the risks, and maximize the opportunities.
- » Accelerate constructive dialogue with rightsholders and stakeholders.
- » Strengthen management of human rights at Google by building capacity across various Google teams.

BSR undertook this assessment using a methodology based on the UN Guiding Principles on Business and Human Rights (UNGPs), including aspects such as consultation with potentially affected stakeholders, dialogue with independent expert resources, and paying particular attention to those at heightened risk of vulnerability or marginalization.

BSR worked collaboratively with Google Cloud AI's API product and cross-functional AI Principles teams throughout this assessment, with Google integrating BSR's recommendations into key elements of the API's development. This deliberate integration of human rights into the product design process is best practice—and

although it is not possible to eliminate all human rights risks, the result of this collaboration is an API with a lower human rights risk profile.

This document is an executive summary of the assessment. BSR's assessment was funded by Google, though BSR retained editorial control over its contents. BSR's assessment did not include a review of API performance data, which was subject to a separate review process.

2. POTENTIAL HUMAN RIGHTS ISSUES AND IMPACTS FOR CELEBRITY RECOGNITION PRODUCTS

Collectively, BSR and Google Cloud AI identified a range of potential issues, challenges, and dilemmas relating to the field of celebrity recognition products, which BSR further analyzed for potential human rights impacts. These were the most significant:

- » **There is no consensus on the definition of “celebrity”.** This presents a challenge for celebrity recognition product providers in determining who should or should not be included in a database of celebrities. This could impact child rights, for example, if children are deliberately or inadvertently included in a celebrity database.
- » **Meaningful consent needs to be addressed.** A key concept in a human rights-based approach is “informed consent,” as defined by both participation (i.e. the ability to participate in decisions) and empowerment (i.e. the ability to understand both risks and rights when consenting). Recording and maintaining celebrities consent decisions may be challenging if consent is required at multiple levels in the M&E industry or if the records of consent are held by multiple parties. This could impact the right to privacy if a rightsholder were to be included in a celebrity database against their will.
- » **Celebrities can be vulnerable.** Human rights assessments require special attention to individuals from groups or populations that may be at heightened risk of becoming vulnerable. While celebrities may not at first glance appear to be a group at risk of being vulnerable, there are a range of ways in which celebrities may become vulnerable. This includes scenarios where the celebrity was not fully informed or empowered when originally consenting to the use of their image, and scenarios where celebrities are vulnerable when fame or notoriety is combined with characteristics such as age, gender, gender identity, sexuality, political beliefs, religion, ethnicity, race, or national origin. Celebrities can be subject to discrimination, harassment, and hate speech at a significantly larger scale than most private individuals—both from the public at large and from others operating within the M&E industry, particularly where there are asymmetrical power dynamics. This could pose security risks if content about the celebrity is created using labelled images that is designed to incite violence, hatred, or harassment, or if fake or misleading content about a celebrity be created using labelled images.
- » **Human rights risks will vary by content.** The severity of human rights risk will vary by type of content. For example, the human rights risks presented by mainstream film may be considerably less than the risks presented by content more associated with vulnerable groups, such as news media, user generated content, or content collected through less conventional methods, such as closed-circuit television. In addition, the API may be used in ways that reduce the diversity of content available for children, especially content aimed at the promotion of social, spiritual and moral well-being and physical / mental health.

Underpinning all these issues is the essential point that M&E companies have a crucial role to play in addressing potential adverse human rights impacts—while there are actions Google can take to avoid, prevent, or mitigate impacts, much depends on customers also using the API responsibly.

3. BSR RECOMMENDATIONS AND ACTIONS TAKEN BY GOOGLE

BSR developed recommendations to address each of the potentially adverse human rights impacts.

BSR recommended that Google require API customers to agree “Service Specific Terms” that limit the range of content upon which the API can be used and that address issues such as copyright, hate speech, child rights, surveillance, and censorship. Google intends to address this recommendation by using “Service Specific Terms” that limit the API to use with professionally filmed media content that the customer owns or has adequate consent to use, and through the use of existing Google Cloud acceptable use policies.

BSR recommended that Google adopt a narrow definition of celebrity that respects the principle of informed consent by only including those that have actively and deliberately sought a role in public life. In accordance with this recommendation, Google intends to restrict inclusion in the API database to individuals whose primary profession involves voluntarily being the subject of public media attention.

BSR also recommended that Google provide an “opt-out” option for celebrities not wanting to be included in Google’s celebrity database, and Google intends to implement an opt-out policy to allow celebrities to request removal from the Google-managed celebrity database.

BSR recommended that Google implement a customer whitelisting process to define who Google will (and will not) sell the API to, and provided a range of different options for how this process could be implemented. Google intends to implement a customer whitelisting process for the API whereby the customer must be within a qualifying industry (entertainment, media, sports), declare an allowable use case, and agree to only use professionally filmed media. This whitelisting process will be overseen by a cross functional Google team.

Google’s ability to identify whether customers are adhering to the “Service Specific Terms” is challenging given the limited insight Google has into how customers are using the API. For this reason, BSR recommended structured product feedback cycles and ongoing dialogue with customers where real life use cases are explored and potential misuse cases are identified. In addition, BSR has recommended that Google provide best practice guidance, advice, and training to customers on how they can use the API in a manner that reduces the risks to human rights listed in section 2.

It is BSR’s view that, taken in combination, these measures serve to prevent, avoid, and mitigate potential adverse impacts, and provide Google with a firm basis to reduce risks to human rights.

4. SYSTEMWIDE CHANGE

Google is not the only provider of celebrity recognition products—if Google chooses to reduce human rights risk by not selling the API to certain customers, other providers without the same controls may step in, and the same human rights violations may occur anyway.

In addition to the risks to human rights described in section 2, we see the following risks posed by the combination of various industry AI tools, and as the use of celebrity recognition products are normalized in the M&E industry.

- » **A celebrity recognition product can be used in combination with other tools.** Customers could use celebrity recognition products in combination with other tools, such as object recognition, action recognition, sentiment analysis, and speech recognition. This could pose risks to non-discrimination if celebrity recognition tools are used in ways that reinforce negative or stereotypical perceptions in media. In addition, a celebrity recognition product may more accurately identify some categories of rightsholder than others, such as on the basis of race.
- » **Government demands of M&E companies could become more frequent.** Once it becomes more widely known that M&E companies have the capability to identify the presence of specific individuals in their content, so it will become more likely that media and entertainment companies receive demands from law enforcement agencies to block, blur, or remove content (for example, content containing celebrities that are politically active) or to hand over data (for example, about the previous location of celebrities). There is a risk that celebrity recognition products are used to restrict freedom of expression, for example by identifying content containing specific rightsholders that is subsequently removed.

These scenarios illustrate the importance of industry wide approaches, public policy, and regulation to the realization of human rights. BSR makes the following recommendations for the technology industry more broadly.

- » **Assess and investigate the human rights impacts of facial recognition tools.** Industry initiatives such as the Global Network Initiative and Partnership on AI have an opportunity to investigate the use of facial recognition tools in censorship, content restrictions, and surveillance, and to recommend actions by different stakeholders. This can also include exploring what types of channels at technology companies (such as operational-level grievance mechanisms) are most suited to gather and review instances of product misuse.
- » **Explore the development of industry principles.** Companies providing celebrity recognition products can discuss common challenges and explore the potential for consistent or collaborative approaches. This might include common standards, such as the definition of a celebrity, opt out processes, best practice guidance, and service specific terms. The dialogue about potential principles should involve important customers most likely to make extensive use of these kinds of tools.

Furthermore, the customer use phase plays a crucial role in determining human rights impacts, and the issues addressed in this assessment can only be fully addressed if M&E companies are proactively engaged. As M&E companies increasingly make use of facial recognition tools they incur a significant responsibility to understand their risks and take action to avoid, prevent, and mitigate adverse human rights impacts. BSR makes the following recommendations for the M&E industry:

- » **Undertake human rights due diligence.** M&E companies making use of celebrity recognition products and other facial recognition tools should undertake their own human rights due diligence.
- » **Establish grievance mechanisms for rightsholders.** M&E companies using the API and similar tools can put in place a grievance mechanism for rightsholders to raise concerns if they suspect misuse. As the celebrity's likeness is directly and visibly utilized in their applications, BSR presumes it would be easier for celebrities to submit grievances directly to the M&E company, rather than Google.
- » **Proactively identify positive uses of the API.** M&E companies can work with Google and other celebrity recognition product providers explore positive uses of the celebrity recognition that enhance the realization of human rights, such as removing negative stereotypes from the media, boosting the media careers of underrepresented groups, enhancing media diversity, or supporting the media work of human rights defenders.