

After Idec's lawsuit against the use of facial recognition for advertisement purposes in São Paulo's metro, ViaQuatro is fined in R\$ 500,000

The appeal of Idec, Public Defender and Public Ministry was judged by the Court of Justice of São Paulo (TJSP), the fine quintupled

ViaQuatro, responsible for the subway line 4-Yellow of São Paulo, was convicted last Wednesday (May 10), in a second instance ruling, for the improper use of facial recognition images of consumers.

The company had already been condemned in the lower court, appealed and lost again. The 'public civil action' (similar to a class action) was an initiative of Idec (the Brazilian Institute of Consumer Protection) and sought to prohibit unconsented and uninformed biometric data processing of metro passengers for advertising purposes, in addition to a compensation for collective damages.

In the first ruling, ViaQuatro was condemned to pay compensation for collective moral damages in the amount of R\$100,000. However, after the appeal of Idec, the Public Defender's Office and the Public Ministry, the Court understood that the compensation should be higher and set the amount of R\$ 500,000, to be directed to the Fund for the Defense of Diffuse Rights (FDD). The company can still appeal the decision.

According to Luã Cruz, Specialist of the Telecommunications and Digital Rights Program of Idec, the decision of the TJSP is a real victory for consumers. "Idec has a history of fighting against the use of facial recognition in public spaces. Even more so in the case of ViaQuatro, which used this technology to capture images of consumers in an improper way for commercial and advertising purposes", he comments.

Lucas Sammachi Fracca, Idec's lawyer who is following the case in court, explains the reason for this important victory. "ViaQuatro did a kind of forced market research by capturing the emotions of subway passengers through cameras positioned above large advertising totems. The TJSP decision proves that the treatment of biometric consumer data must be done ethically and with prior consent, and is therefore important for society as a whole," adds the lawyer.

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