

## Data Protection Information

### pursuant to Articles 13 and 14 of the GDPR

**for the processing of personal data for training, testing and developing facial recognition algorithms**

**Insofar as personal data is collected directly from you, we hereby inform you as follows in accordance with Art. 13 of the General Data Protection Regulation:**

#### **Who is the controller and how can the data protection officer be contacted?**

The controller responsible for the processing of personal data is Cognitec Systems GmbH, Großenhainer Str. 101, 01127 Dresden, Germany.

The data protection officer can be contacted by sending an email to [privacy@cognitec.com](mailto:privacy@cognitec.com).

The Data Protection Officer of Cognitec is:

Frank Hillmer

SIKKER GmbH

Kreuzstr. 10 | 04103 Leipzig

Phone: +49-341-5663-9750

Email: [info@sikker.de](mailto:info@sikker.de)

#### **For what purposes is your personal data processed?**

Your data is collected and further processed for the training, testing and development of facial recognition algorithms. These algorithms are trained to derive predictions from digital images based on the pixel values determined, which enable the position of faces or certain objects in digital images to be determined, attributes (such as age or gender) to be estimated from facial images, fake or manipulated facial images to be detected, compare facial images, and compare and manage the quality of facial images. Although for the training of the models your data is being processed, the algorithms resultants do not contain any personal data of the persons whose facial images were used for training and they are anonymous.

#### **What categories of personal data are processed?**

We process digital facial images, biometric data of the depicted face, names, aliases, dates of birth, pseudonyms and contact details of the depicted person and, if applicable, legal representatives ("Data Subject").

Facial images of minors (currently under 18 years) are only processed if there is consent given by their legal representatives.

#### **What is the legal basis for the processing?**

The legal basis for the processing of digital images, names, aliases, dates of birth, occupation and pseudonyms is Art. 6 (1) (a) and Art. 9 (2) (a) GDPR (consent).

The legal basis for the processing of contact details for the purposes of consent management is Art. 6 (1) (c) and Art. 5 (2) GDPR (legal obligation to document and account for processing).

### **Who is the recipient of the personal data?**

There are no recipients of the personal data collected for processing purposes other than the controller referred to in section 1. Your personal data will not be transferred to third parties. Likewise, no transfer to third countries is intended.

### **For how long is personal data stored?**

The digital photos and associated personal data, including pseudonyms, will be processed and stored for the duration of the consent given, but in any case only for as long as they are required for the aforementioned purpose of Cognitec Systems GmbH.

The names and contact details of the persons giving consent will be stored for the purposes of documentation and accountability for as long as the consent exists; after receipt of the revocation of consent, at most for the duration of the statutory limitation period for possible breaches of duty by Cognitec Systems GmbH.

### **What are the rights of the persons concerned?**

Data subjects affected by data processing by the controller have the right to object to the processing, the right to information, the right to rectification or erasure, the right to restriction of processing and the right to data portability. These rights requests can be addressed to our DPO at [privacy@cognitec.com](mailto:privacy@cognitec.com).

They also have the right to complain to a data protection supervisory authority about the processing of their personal data by the responsible body.

### **Is there a right of withdrawal in the case of consent?**

If you have given your consent to the processing of your data by us, you can revoke this consent at any time for the future. This does not affect the lawfulness of the processing carried out on the basis of the consent until revocation. The withdrawal consent can be addressed to our DPO at [privacy@cognitec.com](mailto:privacy@cognitec.com).

### **Is there an obligation to provide personal data?**

There is no obligation or other compulsion to provide us with your personal data. It is also not necessary for the conclusion of a contract or otherwise mandatory for the Data Subject but is provided on a voluntary basis.

### **Is automated decision-making used?**

There is no automated decision-making without affection to specific individuals and no profiling based on personal data.

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**Insofar as personal data is not collected directly from the Data Subject but from third parties who are unknown to us or cannot be identified by us, we provide the following additional information in accordance with Art. 14 of the General Data Protection Regulation:**

### **General data protection information**

The above information pursuant to Art. 13 GDPR applies.

### **What categories of personal data do we process?**

We process digital facial images, biometric data of the depicted face and names, aliases, if known, and pseudonyms of the depicted person ("**Data Subject**").

Facial images of minors (currently under 18 years) are only processed if there is consent given by their legal representatives to third parties.

### **On what legal basis is the processing carried out and what is the legitimate interest of the controller?**

The legal basis for the processing of digital photos from public sources and from the use of licensed third-party databases is Art. 6(1)(f) GDPR ( legitimate interest ).

In the context of balancing interests, the interests of Cognitec Systems GmbH outweigh those of the Data Subject. The following are essential aspects to be taken into account when balancing interests: The legitimate interest of the controller is the further development of the facial recognition algorithms it has developed through the use of digital photos for training, testing and development purposes. Facial recognition only works accurately and robustly if the underlying AI model is trained with a large number of high-quality, diverse and wide-ranging facial images and is tested repeatedly. To do this, Cognitec Systems GmbH needs many runs and as broad a database as possible. The AI model developed with this database can make predictions with increasing accuracy about new data sets. For these purposes, we also use facial images from data from Wikidata, the Library of Congress, the German National Library and other permissible websites from the internet and from licensable databases containing facial images of natural persons that we have purchased or licensed. We also use search engines such as Google to find facial images. If we are able to identify the person with certainty, the data protection information is provided directly to the Data Subject. If we are unable to identify the person by reasonable means, we provide this data protection information in accordance with Art. 11(2) GDPR, as we wish to avoid further data collection that would be necessary solely for the purpose of identifying the person depicted.

The facial images of Data Subjects or individual features thereof are not included in the trained algorithms, and it is not possible for third parties to re-identify the persons depicted in the training images from the algorithms using reasonable means. The AI model developed is anonymous. The fully developed algorithms are integrated into AI systems and are used in particular in the field of security and public order. In these areas, there is a very high demand for reliable biometric facial recognition systems, but these can only be developed in this way and with a large number and variety of facial data so that the required reliability can be achieved.

In contrast, the facial images of the persons concerned are only processed internally and only if they originate from persons whose facial images are already publicly available. Before using them, we check the publicly available sources for their legality, as far as we can to rule out the possibility that

the images have been published illegally. The facial images are stored and processed locally at our company on our own servers in a technically secure environment that is separate from the public network. Any biometric templates derived from them in a technically automated manner during training are not stored.

Insofar as information about the health status of the person depicted (e.g. by wearing glasses), it can be derived from the digital images obtained from the sources listed below, this information is and will be processed only incidentally, without context and without separate processing of special categories of data within the meaning of Article 9(1) of the GDPR. Racial or ethnic origin of the person depicted (e.g. hair type, skin type) are only processed incidentally or for the purpose of bias mitigation. No biometric data is processed for the purpose of uniquely identifying a natural person. Identification of the Data Subject is not necessary for the purposes mentioned here.

We only process special categories of data within the meaning of Art. 9 (1) GDPR if these have been published by the Data Subject (Art. 9 (2) (e) GDPR) or if the Data Subject has expressly consented to their processing (Art. 9 (2) (a) GDPR) or under substantial public interest (Art. 9(2)(g)) to mitigate bias.

This means that the risk and probability of Data Subjects suffering harm as a result of this processing is extremely low and this low harm is outweighed by the interests of Cognitec Systems GmbH in the context of weighing up the development of an AI model that is of enormous importance in the area of security and public order and for which very high demands are placed on its reliability and the breadth of the database, which delivers reliable and unbiased results (Art. 10 (2) – (5) AI Act). Even if a database collected on the basis of consent may be sufficient for the completion of individual subtasks within the scope of algorithm training, this database will in no case be sufficient to train the algorithms in such a way that they work reliably and without bias. This requires many times the amount of data available for training, which can only be obtained through the use of data from publicly available sources.

### **What is the source of the personal data?**

The personal data comes from publicly accessible sources, namely the internet and databases whose contents are publicly available for use for the purposes described here.

### **What other rights do Data Subjects have?**

The Data Subject has the above-mentioned rights to information from the controller about the personal data concerned, as well as to rectification or erasure, or to restriction of data processing and the right to data portability. These rights requests can be addressed to our DPO at [privacy@cognitec.com](mailto:privacy@cognitec.com).

The Data Subject has also the right to lodge a complaint with a data protection supervisory authority regarding the processing of your personal data by the responsible body.

**In addition to the rights already mentioned above, the Data Subject also has the right to object at any time, on grounds relating to their particular situation, to the processing of personal data concerning them which is carried out on the basis of legitimate interest.**