

The Hamburg Commissioner for Data protection and freedom of

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Speech assistance systems put to the test - Data protection authority opens administrative proceedings against Google

The use of automatic speech assistants from providers such as Google, Apple and Amazon is proving to be highly risky for the privacy of those affected. This applies not only to people who run a speech assistant, but to all those who come into contact with it, for example if they live in a household in which devices such as Google Assistant are installed are used.

Based on recordings from whistleblowers, the media recently reported that Google's Home Speech Assistant was used to evaluate acoustic recordings by employees in order to optimize the speech recognition process. During these evaluations, employees of Google or of contracted companies listen to the voice recordings and transcribe them in order to analyze whether the recorded acoustic information was correctly processed by the AI system behind it. Google also reported this practice in its blog (<https://www.blog.google/products/assistant/more-information-about-our-processes-safeguard-speech-data/>). As the whistleblowers' report has shown, the employees commissioned by Google were able to gather personal information - some of it sensitive - within the private and intimate sphere of the persons concerned from the recorded conversations. In addition, a not inconsiderable portion of the recordings were done due to incorrect activation.

Against this background, the Hamburg Commissioner for Data Protection and Freedom of Information (HmbBfDI) has initiated an administrative procedure to prohibit Google from carrying out corresponding evaluations by employees or third parties for the period of three months. This is intended to provisionally protect the rights of privacy of data subjects for the time being.

According to the General Data Protection Regulation (GDPR), the so-called lead supervisory authority is initially responsible for such orders. This is the authority in the Member State where the main establishment of the controller is located. For Google it is the IDPC in Ireland. Nevertheless, the GDPR also provides for the possibility for data protection authorities in other Member States to take measures within their territory or jurisdiction for a period not exceeding three months if there is an urgent need for action to protect the rights and freedoms of data subjects. This is the case here, because effective protection of those affected from eavesdropping, documenting and evaluating private conversations by third parties can only be achieved by prompt execution.

Google has declared to the HmbBfDI in the course of these administrative proceedings that transcriptions of voice recordings will no longer be carried out at present and for at least three months from 1 August 2019. This covers all of the EU. In this respect, the competent authorities for other providers of speech assistance systems, such as Apple or Amazon, are invited to also swiftly review the implementation of appropriate measures.

Johannes Caspar, the Hamburg Commissioner for Data Protection and Freedom of Information, commented: "The use of speech assistance systems in the EU must comply with the data protection requirements of the GDPR. In the case of the Google Assistant, there are currently considerable

doubts about this. The use of speech assistance systems must be transparent so that informed consent can be obtained from users. In particular, this involves sufficient and transparent information for those concerned about the processing of voice commands, but also about the frequency and risks of misactivation. Finally, due account must be taken of the need to protect third parties affected by voice recordings. As a first step, further questions about the functioning of the speech analysis system need to be answered. The data protection authorities will then have to decide on the final measures that are necessary for their data protection-compliant operation."

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