Dear Mr Farrar and Mr Aslam,

Thank you for your letter of March 18 expressing your concerns regarding Uber UK’s use of Microsoft’s facial recognition technology as a component of Uber’s Hybrid Real Time ID Check system. Thank you for your patience as we looked into this matter.

Microsoft is committed to delivering face recognition technologies that support societal benefits (such as increased rider and driver security, which Uber’s Real Time ID Check is intended to provide) while minimising the risk of harm and abuse. Microsoft has long recognised that although facial recognition technology can serve our customers in important and beneficial ways, the technology also needs to be developed and used carefully. We published our six principles for facial recognition technology in December 2018, in which we committed, among other things, to work to develop face recognition technology in a manner that strives to treat all people fairly (fairness), to clearly document and educate our customers on the capabilities and limitations of this technology (transparency), and to encourage our customers to deploy this technology in a manner that ensures an appropriate level of human control for uses that may affect people in consequential ways (accountability).

We have taken concrete steps to live up to our principles, including by consistently testing and updating our Face API with particular attention to fairness and accuracy across demographic groups (see here for information on ongoing updates to the Face API service). We have also developed new practices, research methods, and tools to enable our customers to assess and mitigate unfairness in AI Systems including a Fairness Checklist, Fairlearn, InterpretML, and Error Analysis. In addition, we developed transparency documentation to help our customers understand the technology, including its limitations and the factors that may influence results and thus should be considered in implementing a face recognition system that takes into account the customer’s particular use case, technical features and configuration, and environmental conditions.

As we continue to reflect on and be guided by our facial recognition principles, we are mindful that any AI technology, such as the Face API Verification capability -- which matches a person’s face against a template image of the person -- is only one building block of an overall system consisting of
the technology, the people who will use it, the people who will be subject to it, and the environment in which it is deployed. The provider of the technology on the one hand, and the entity that builds and operates the system utilising that technology on the other hand, each have distinct roles and responsibilities to play in enabling the system to operate appropriately and fairly. Our transparency note explains these roles and responsibilities and provides guidance to assist our customers to improve the accuracy and fairness of their systems, including by incorporating meaningful human review to detect and resolve cases of misidentification or other failure; to provide support to people who believe their results were incorrect; and to identify and address fluctuations in accuracy due to variation in conditions.

To our knowledge, and as explained in Uber’s own public statement, Uber has followed our recommendations by implementing human review procedures as part of its Real-Time ID Check utilising Microsoft’s Face Verification technology: “we believe the technology, combined with the thorough process in place to ensure a minimum of two manual human reviews prior to any decision to remove a driver, is fair and important for the safety of our platform.” Uber acknowledged that its processes were not perfect and could be improved, and that human error occurred in at least one case.

Microsoft’s right to terminate a customer’s use of our services is governed by the Acceptable Use Policy in our Online Service Terms. We approach these terms seriously while also appreciating that our customers rely on our technologies to run their businesses and thus suspending access to our services should be reserved for clear and ongoing violations. In this case, errors in the human review process associated with Uber’s implementation of our facial recognition technology do not provide a basis for Microsoft to terminate its license to use the technology, especially when Uber has acknowledged the failure and is committed to improvement. We are encouraged that Uber has acknowledged the opportunity to improve its system and processes, and we hope that the ADCU and Uber can work together to evolve the Real-Time ID Check system to reduce the risk – and to enable swift remediation – of any future failures.

For our part, we remain committed to improving the accuracy of our technology across global populations. We encourage all our customers, including Uber, to use the latest version of our technology, to design and operate their systems to minimise the risk of adverse impact to users, and to provide a clear process for reviewing system behaviour, managing escalations, and addressing user feedback. We stand ready to support our customers in these efforts.

Your sincerely,

Clare Barclay
CEO, Microsoft UK