PRIVACY INTERNATIONAL

62 Britton Street
London EC1M 5UY
United Kingdom
Phone +44 (0)20 3422 4321
www.privacyinternational.org

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Dear parliamentarian,

We have conducted an investigation[1] into how Yoti have treated the data of the users of their digital ID product[2].We believe that you should be concerned at how Yoti have treated user data. Specifically, we are concerned with how they have treated user data to develop the Yoti Age Scan product.

In light of your previous engagement with Yoti, we kindly request that you ask Yoti to inform its users as to how their data has been used, for the reasons we set out below. If you require more information, we are happy to speak to you. Alternatively, if you do not feel in a position to make this demand, we hope that you share our concern and it informs future engagement in the field of digital identity.

Summary concerns about Yoti Age Scan Technology:

- Yoti are using the photograph of a user together with the data from an individual's passport[3] (gender and year of birth) to train their age verification algorithm which they then sell access to in other contexts, distant from the initial use.
- This is technology with a use, for example, in relation to accessing adult content online.
- Yoti do not believe they need consent from users to add their data to the training data set used to train the age verification algorithm. They rely on 'legitimate interests.'
- We are concerned that Yoti have failed to inform users' that their data is used as part of a training dataset to create Yoti Age Scan Technology.

Yoti users would not have known that their data was used in ways that did not relate to using the app, since prior to August 2019, Yoti's privacy policy was far from adequate, and failed to explain the use to which the user data was put.

Since meeting with Privacy International Yoti have made some

[1] https://www.privacyinternational.org/long-read/3254/identity-gatekeepers-and-future-digital-identity
[2] https://privacyinternational.org/long-read/3254/identity-gatekeepers-and-future-digital-identity
[3] Yoti process personal data: gender and year of birth taken from a government issued or other official national identity document

improvements to their privacy policy (as elaborated in our investigation[4]). However, they continue to fail to inform users' whose data has been used to train the Age Scan Technology.

They have failed to tell their users that their data was used – without their knowledge – for the development of the algorithm from which Yoti is profiting. Unfortunately, Yoti remain far from open: for example, we have asked Yoti to publish parts of their legitimate interests' assessment of Yoti Age Scan, in line with the Article 29 Working Party Guidelines on Transparency, but they have yet to do so.

You may be aware that Yoti has become influential in the UK parliament. For example, with their role paying Wychwood Consultancy to act on their behalf as the secretariat of the APPG on Digital Identity[5]. They have also been mentioned in the debates surrounding the Digital Economy bill.

We believe the UK must develop "a digital identity ecosystem that becomes a world-leader in respecting the rights of individuals and communities"[6]. Given the influence Yoti has, it is important to emphasise the problematic nature of Yoti's treatment of user data when it comes to what it is doing with user data.

Please do get in touch if you have further questions.

Yours sincerely,

Privacy International

[4] https://www.privacyinternational.org/long-read/3254/identity-gatekeepers-and-future-digital-identity
[5] https://publications.parliament.uk/pa/cm/cmallparty/180131/digital-identity.htm
[6] https://privacyinternational.org/advocacy/3215/response-uks-call-evidence-digital-identity