



United States of America
FEDERAL TRADE COMMISSION
600 Pennsylvania Avenue, NW
Washington, DC 20580

Office of Commissioner
Christine S. Wilson

January 31, 2022

The Honorable Maria Cantwell
United States Senate
511 Hart Senate Office Building
Washington DC 20150

The Honorable Roger Wicker
United States Senate
555 Dirksen Senate Office Building
Washington DC 20510

Dear Senators:

I write regarding an article in the Washington Post describing an Internal Revenue Service (IRS) plan to require taxpayers to use facial recognition to access their IRS tax accounts through the IRS website.¹ According to the Washington Post, taxpayers seeking to access their records could be required to record videos of their faces and send them to private contractor ID.me to confirm their identities. The IRS reportedly has entered into an \$86 million contract with ID.me to provide these services. The Post reports that users have already experienced glitches and delays.²

I am concerned about the IRS's potential use of facial recognition as described in these reports. Although facial recognition software has benefits, "researchers say that identity-verification errors can block a person from accessing vital services or allow an impostor to get through."³ I am not confident that use of facial recognition by the IRS in the manner reported will adequately protect the privacy of taxpayer records, and am concerned that this use in fact could result in significant harm. Federal auditing rules require ID.me to store the biometric data for at least seven years, according to the news report, but no legislation governs how ID.me can use this

¹ Drew Harwell, "The IRS wants to scan your face," WASHINGTON POST (Jan. 28, 2022), <https://www.washingtonpost.com/technology/2022/01/27/irs-face-scans/>

² *Id.*

³ *Id.*

biometric data. And malicious actors could hack the database and use the biometric data for nefarious purposes. As the article notes, thousands of photos of Americans' faces were exposed after a surveillance company working with U.S. Customs and Border Patrol was hacked in 2019.

I applaud your leadership on privacy issues in the Senate and request that you look into the IRS plan and the proposed contractor. To the extent the Federal Trade Commission can provide assistance with these inquires, I am at your disposal to assist.

All best wishes,

A handwritten signature in black ink that reads "Christine Wilson". The signature is written in a cursive, flowing style.

Christine S. Wilson
Commissioner

cc: Senator Elizabeth Warren
309 Hart Senate Office Building
Washington, DC 20510

Senator Bill Cassidy
520 Hart Senate Office Building
Washington, DC 20510