



FEDERAL TRADE COMMISSION
PROTECTING AMERICA'S CONSUMERS

For Your Information

FTC Finalizes Settlement with Photo App Developer Related to Misuse of Facial Recognition Technology

May 7, 2021 |   

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The Federal Trade Commission finalized a settlement with the developer of a photo app that allegedly deceived consumers about its use of facial recognition technology and its retention of the photos and videos of users who deactivated their accounts.

In a [complaint first announced in January 2021](#), the FTC alleged that Everalbum, Inc. misled users of its Ever mobile app that it would not apply facial recognition technology to users' content unless they affirmatively chose to activate the feature. The company, however, automatically activated its face recognition feature—which could not be turned off—for all mobile app users except those who lived in three U.S. states and the European Union, according to the FTC's complaint. The FTC alleged that the company also failed to keep its promises to delete the photos and videos of Ever users who deactivated their accounts and instead retained them indefinitely.

As part of the [settlement with the FTC](#), Everalbum, Inc. must obtain consumers' express consent before using facial recognition technology on their photos and videos. The proposed order also requires the company to delete the photos and videos of Ever app users who deactivated their accounts and the models and algorithms it developed by using the photos and videos uploaded by its users. In addition, if the company markets software to U.S. consumers for personal use, it must obtain users' express consent before using biometric information it collected from them.

After receiving two comments that address the proposed settlement, the Commission voted 4-0 to finalize the settlement and send responses to the commenters.

The Federal Trade Commission works to promote competition and [protect and educate consumers](#). The FTC will never demand money, make threats, tell you to transfer money, or promise you a prize. Learn more about consumer topics at [consumer.ftc.gov](#), or report fraud, scams, and bad business practices at [ReportFraud.ftc.gov](#). Follow the [FTC on social media](#), read [consumer alerts](#) and the [business blog](#), and [sign up to get the latest FTC news and alerts](#).

Press Release Reference

[California Company Settles FTC Allegations It Deceived Consumers about use of Facial Recognition in Photo Storage App](#)

Contact Information

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