

Summary

The widespread and rapid technological development, as well as the extensive scale of digitisation, inevitably impact not only the daily lives of citizens but also increase the accessibility of increasingly sophisticated surveillance techniques. While the European Union is getting closer to the almost blanket ban on the use of facial recognition technology in public spaces, in other parts of the world leaders are less hesitant about it. In China, there are more than 500 million surveillance cameras for a population of around 1.412 billion, making it one of the largest surveillance systems in the world, while in the US, there is an estimated 100 million surveillance cameras for a population of 332 million, also maintaining a significant surveillance infrastructure. Therefore, while there may be differences in the scale and approach to surveillance between the two countries, both China and the United States can be considered world leaders in this domain, and due to their positions and the scale of surveillance, these two countries are important in understanding contemporary trends and global tendencies.

The aim of this scientific project is to critically analyse the constitutional foundations and practices for camera surveillance using facial recognition technology in the United States of America and the People's Republic of China as an alternative to the approach chosen by the EU. The goal is to expand knowledge on the differences between liberal democracies' and authoritarian states' surveillance methods, focusing on the use of CCTV cameras at airports and stadiums using facial recognition technology in nationwide surveillance as an example. The project poses one main research question: whether the camera surveillance using facial recognition technology methods applied in the respective countries do not violate the constitutional frameworks? There are two secondary research questions. Firstly, how does the difference in political systems in both countries affect the existing legislation? Secondly, what are the specific state laws and federal/national laws in the USA and the PRC that govern the use of facial recognition technology in camera surveillance within their respective jurisdictions? The main research hypothesis is that the US and the PRC are currently pioneering international standards for surveillance policy. The legislative process differs due to differences in their political systems both on the federal/national level as well as on state/local level. However, through the analysis of the legal systems of the US and the PRC, significant similarities in the rhetoric, references to national security and other issues can be found. These should then be interpreted with each of these legal cultures in mind. Research will be based on the theoretical achievements of legal sciences as well as elements of political sciences.

The project's results will contribute to a better understanding of the relationship between the need to protect individual and state security and privacy. The academic literature on the use of facial recognition technology in surveillance reveals a notable research gap that calls for more comprehensive studies comparing US and China approach. While existing research has explored selected examples within these jurisdictions, there is a lack of in-depth comparative analysis utilising a wide range of sources including federal/national-level documents, case law, and state/local regulations. Currently, many studies tend to focus on specific cases, states, or regions, providing valuable insights into individual contexts. However, a more holistic approach is needed to gain a deeper understanding of the broader landscape of facial recognition technology in surveillance ecosystem of constitutional law both in the US and China, as the alternative to the European Union regulations.

The outcome of the study will be the expansion of existing knowledge and the development of new insights into the constitutional foundations and practices of surveillance cameras using facial recognition technology through the analysis of legislation in the US and the PRC. It will also provide a broader perspective on the legal and political systems, as well as contemporary legal culture in the era of rapid development of new technologies. The conducted project will fill a gap not only in Polish but also in Western research, and this kind of research conducted from a legal-comparative perspective will be the first comprehensive study on this subject in Poland.