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High-risk AI in biometrics

For organisations using biometric identification, biometric categorisation or emotion recognition.

- Annex III point 1
- Practical high-risk classification
- Commercial readiness briefing for governance teams

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CLASSIFICATION LOGIC

3 questions decide the route

Use this as a starting point for AI inventory, gap intake and roadmap.

01 Intended purpose

What output does the system produce, in which context and with what effect on people or operations?

02 High-risk route

Does the use case fall under Annex III point 1, or should Article 5 or Annex I be checked first?

03 Readiness roadmap

Translate the classification into obligations, evidence, training and supplier actions.

Intake question: Can this biometric AI system be used at all, or does a prohibition need to be checked first?

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ANNEX III POINT 1

What falls in scope?

This domain version helps turn a first AI Act gap check into concrete review questions.

The first question is not whether the model is advanced. It is whether the system identifies, classifies or infers emotions in a way that can affect rights, access or safety.

- Remote biometric identification based on biometric data.
- Biometric categorisation using sensitive or protected attributes.
- Emotion recognition, especially in work and education contexts.
- Always check whether Article 5 prohibits the use case first.

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PRACTICAL BOUNDARY

When does this become a readiness question?

You do not need a final legal conclusion before starting governance work.

Review first

- Facial recognition in public or semi-public spaces.
- Biometric matching against a reference database.
- Emotion, attention, stress or behaviour classification.
- Biometric categories that influence access, treatment or risk.

Define first

- User-controlled authentication or verification only.
- Administrative identity checks without risk profiling.
- Image or audio quality control without biometric classification.
- General analytics without identification or person classification.

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USE CASES

3 situations for the intake

These examples help identify the right stakeholders, documents and evidence path.

01

Remote ID

AI matches camera footage against a database to recognise a person.

02

Categorisation

The system infers protected or sensitive attributes from biometric signals.

03

Emotion

A tool estimates stress, attention or behaviour from face or voice signals.

Use this as a scoping aid, not as a final legal conclusion.

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EVIDENCE

What a readiness track should produce

Classification should end in actions, ownership and reviewable documents.

Core deliverables

- AI inventory and risk classification
- Provider/deployer role split
- Gap analysis on obligations and evidence
- 30/60/90-day roadmap
- Management summary and next routes

Domain focus

- Article 5 prohibition check and legal exception, if any.
- GDPR/DPIA, biometric data and data minimisation.
- Human oversight, user context and known error margins.
- Bias testing across groups, light, language and physical traits.

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SOURCE STATUS

Based on the Commission draft guidelines

Use this as an intake and classification framework. Check final guidance before legal decisions are completed.

Status on 8 June 2026

- The Commission published the draft guidelines on 19 May 2026.
- Annex III contains 8 areas. This briefing works out 1 area practically.
- The formal AI Act text remains leading.

Commission draft guidelines

Annex III official text

Article 6

Gap intake

For decisions with legal consequences, a full system and context review remains necessary.

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NEXT STEP

Classify your biometrics AI before the roadmap gets stuck.

Embed AI helps turn a loose AI list into a defensible classification, gap analysis and concrete 30/60/90-day roadmap.

Start gap intake | View Readiness Sprint | Book a call

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