

CNPD announces the temporary suspension of collection of biometric data by the Worldcoin in Portugal

The Portuguese Data Protection Supervisory Authority (**Comissão Nacional de Protecção de Dados or CNPD**), issued the Resolution/2024/137, on the 25th March 2024, which determined the **temporary suspension of the collection of iris, eye and facial biometric data** by **Worldcoin Foundation** for a period of **90 (ninety) days**, to safeguard the fundamental right to the protection of personal data, especially of minors.

CNPD granted a 24-hour deadline to the **Worldcoin Foundation**, which qualifies as Data Controller, to adopt this **provisional measure**. According to the CNPD resolution, *“the Worldcoin Foundation is a foundation-type company, exempt from limited liability, and is a non-profit organization, based in the Cayman Islands”*.

The Worldcoin Foundation has been *collecting biometric data for identification by capturing images of people’s irises, eyes and face*, which constitutes the processing of personal data.

CNPD reveals that it acted, motivated by the fact that it received, between February and March 2024, several dozen reports regarding data processing activities by the **Worldcoin Foundation**, namely:

- (i) The collection of biometric data from minors (capture of the image of the iris, eyes and face);
- (ii) Impossibility of exercising the right to erasure of data;
- (iii) Impossibility of revoking consent to the processing of personal data; and
- (iv) Poor compliance with information obligations to data subjects.

The CNPD clarifies that the collection of biometric data by the **Worldcoin Foundation**, carried out through the “Orb” device, operates as an “*indispensable condition*” for, in exchange, the data subject to receive a certain value in cryptocurrency. At the time of the resolution, the biometric data of around 300.000 people had already been collected.

Therefore, the concern here is the **protection of biometric data**, categorised by the GDPR as **special categories of personal data**, which are subject to an increased protection, and in which there are still high risks of processing. There is also a special concern for **minors**, as **particularly vulnerable people**, because they may be less aware of the risks of processing their personal data.

It should be noted that the CNPD is currently investigating the processing activities carried out by the **Worldcoin Foundation**, as stated in a press release published on 8th March 2024, so the adoption of this measure is defined as “*indispensable and justified in order to achieve the useful effect of defending the public interest in safeguarding fundamental rights, especially those of minors*”, pending the issuance of a final decision.

According to the Portuguese Personal Data Protection Act, published by Law no. 58/2019, of 8th August, which is responsible for ensuring the enforcement of the GDPR in the Portuguese legal framework, **the CNPD is responsible for monitoring and enforcing the application of the GDPR in relation to data processing carried out in Portuguese territory**, in the context of activities carried out by an establishment of the Data Controller, regardless of whether or not the entity is based in Portuguese territory.

The urgent provisional measure was applied by the CNPD, based on the “*need for urgent intervention to prevent serious or irreparable damage*”, considering the high risk to the fundamental rights of Portuguese citizens. The CNPD's deliberation was issued under its corrective powers established in subparagraph Article 58 (2) (f) of the GDPR, in conjunction with Article 6 (1) (b) of the Law no. 58/2019, of 8th August and also, Article 89 (1) of the Portuguese Administrative Procedure Code (“CPA”).

The companies **Tools for Humanity Corporation** (based in the USA) and its German subsidiary **Tools for Humanity GmbH**, which process personal data on behalf of the **Worldcoin Foundation**, were notified of the content of this determination, so that they are aware of it. **Needasterisk, Unipessoal, Lda.**, in its capacity as service provider for the Worldcoin Foundation and, as such, its processor, was also notified.

It should also be noted that the **Worldcoin Foundation, as well as its processors**, are obliged to collaborate with CNPD in the proceeding of investigating its processing activities. This collaboration involves providing all the information that the CNPD requests in the exercise of its powers and competences, namely the examination of the Worldcoin Foundation's computer systems and personal data files, as well as the documentation relating to the processing and transmission of personal data, under the terms of Article 8 (1) (2) of the Law no. 58/2019, of 8th August.

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Kindly note that this News Flash does not exempt you from reading the Resolution of CNPD, which can be accessed [here](#) (Portuguese version).