



March 31, 2017

Supervisor of Public Records  
Public Records Division  
McCormack Building  
One Ashburton Place, Room 1719  
Boston, MA 02108

To Whom It May Concern:

This is an appeal under the Public Records Law. G.L. c. 66, § 10 and 950 CMR 32.08.

On January 10, 2017, I submitted a public records request on behalf of the ACLU (attached as Exhibit A) to the Massachusetts State Police (MSP) asking for the following records.

1. Any and all contracts or MOUs referencing or pertaining to any face recognition technology, including but not limited to any MSP agreement with the Massachusetts Registry of Motor Vehicles, Department of Transportation, and/or Federal Bureau of Investigation (FBI).
2. Any audits, annual reports, or other administrative reports referencing face recognition technology or searches.
3. All training materials, including but not limited to PowerPoint presentations, used to train officials in the use of face recognition tools or capabilities.
4. Any document containing the Massachusetts State Police's legal analysis for any use of face recognition technology.
5. Any internal policy referencing or pertaining to the use of face recognition technology or searches, including policies governing how the Massachusetts State Police Compliance Unit performs facial recognition searches of the drivers license database held by the Registry of Motor Vehicles.
6. All communications between or among members of the Massachusetts State Police Compliance Unit and employees of the FBI pertaining to facial recognition searches or capabilities, including emails describing or referencing the Registry of Motor Vehicles Enforcement Services Unit.
7. All communications between or among members of the Massachusetts State Police Compliance Unit and the Registry of Motor Vehicles Enforcement Services Unit, including but not limited to emails, policy memos, and official forms, between January 1, 2014 and the present day.

On February 16, 2017, I received a final response to my request (attached as Exhibit B). The response came from Jason Stelmat, Privacy Officer at the Commonwealth Fusion Center, which is owned and operated by the Massachusetts State Police. The responsive records contain redactions that are not justified by state law. Specifically, pages 2-7 of the Memorandum of

Agreement (MOA) contain multiple redactions marked “non-responsive material.” This is problematic for two reasons.

First, this is not a legitimate exemption to the public records law. Exemptions to the public records law “must be strictly and narrowly construed.” *Globe Newspaper Co. v. District Attorney for Middle Dist.*, 439 Mass. 374, 380 (2003) (internal quotation marks omitted). Consequently, the creation of an entirely new exemption is entirely contrary to the purpose of the public records law, which is to give the public broad access to government records. *Worcester Telegram Gazette Corp. v. Chief of Police of Worcester*, 436 Mass. 378, 378, 382-83 (2002).

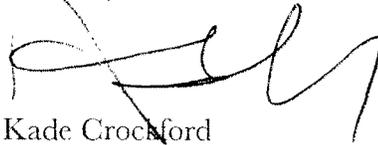
Second, the content of the entire MOA is responsive to our request. As indicated above, we requested “any and all contracts or MOUs referencing or pertaining to any face recognition technology.” *See* Ex. A, at #1 (1/10/17 Public Records Request). This request encompassed the entirety of such contracts, not simply the portions that specifically referenced face recognition technology.

I have already emailed Mr. Stelmat to inquire about this problem and asked him to send me the full MOA including those portions redacted marked “non-responsive.” He has thus far not provided me with the records. I therefore respectfully ask that your office direct the MSP to provide the ACLU with a copy of this document without these unjustified redactions.

Please reply to this appeal by contacting Kade Crockford at 617-482-3170 x346 or [kcrockford@aclum.org](mailto:kcrockford@aclum.org).

Thank you for your assistance. We look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kade Crockford', written over a faint, light-colored signature line.

Kade Crockford  
Director  
Technology for Liberty Project  
ACLU of Massachusetts