From: Mullaney

Subject: RE: public records request

Date: April 19, 2019 at 4:23 PM

To: Kade Crockford kcrockford@aclum.org

Cc: Emiliano Falcon efalcon@aclum.org, Jessie Rossman JRossman@aclum.org, Jessica Lewis jlewis@aclum.org

Hi Kade,

Just wanted to provide you with an update that I did not receive the ten emails today and as a result, I am unable to provide you with the response today. I do apologize. I should have access to the emails Monday and will turn them around as quickly as possible.

Thank you for your understanding and have a good weekend.

Arielle Mullaney

Assistant General Counsel

Executive Office of Public Safety and Security

One Ashburton Place, Room 2133

Boston, MA 02108

C: (781) 379-7753

Arielle.Mullaney@mass.gov <mailto:Arielle.Mullaney@mass.gov>

From: Kade Crockford <kcrockford@aclum.org> Sent: Thursday, April 18, 2019 11:42 AM To: Mullaney, Arielle (EPS) <Arielle.Mullaney@mass.gov> Cc: Emiliano Falcon <efalcon@aclum.org>; Jessie Rossman <JRossman@aclum.org>; Jessica Lewis <jlewis@aclum.org> Subject: Re: public records request

Ok thanks. Do you have a sense of when we can expect to receive the emails?

Kade Crockford

Director, Technology for Liberty Program

American Civil Liberties Union of Massachusetts

211 Congress Street, Boston, MA 02110

617.482.3170 x346 l kcrockford@aclum.org <mailto:kcrockford@aclum.org>

aclum.org

<https://urldefense.proofpoint.com/v2/url?u=http-3A_aclum.org&d=DwMF-g& c=IDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=QcgLjFHbr1ApjwQjIAE6K6YJ I6gC28IXC2x-5soEL9c&m=kFEzDIqSShSuy17csHnYT5YySrOKR_-Pc7bRsYHaVF8&s=HCoc 8xR3vGIAN2Pv7iWP9ECQRIJrVNtXwfr91ia2Flk&e=> I privacysos.org/blog <https://urldefense.proofpoint.com/v2/url?u=http-3A_privacysos.org_blog &d=DwMF-g&c=IDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=QcgLjFHbr1Apjw QjIAE6K6YJI6gC28IXC2x-5soEL9c&m=kFEzDIqSShSuy17csHnYT5YySrOKR_-Pc7bRsYHa VF8&s=VMDj0I94s2FCX7IrdoYLbLoCrNnI2gMAXn-04DbpUmE&e=>

NSA: I'm a US person.

From: Mullaney, Arielle (EPS) <arielle.mullaney@state.ma.us <mailto:arielle.mullaney@state.ma.us> > Sent: Thursday, April 18, 2019 11:01:05 AM To: Kade Crockford Cc: Emiliano Falcon; Jessie Rossman; Jessica Lewis Subject: RE: public records request

Hi Kade,

I do know that – that is who I had the call with last week (and another today) about this request, which is why I'm more than diligently searching for any responsive records. As I said, as of now, I have not been able to find anything at EOPSS but will keep checking. Be in touch soon. Thank you.

Arielle Mullaney

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Arielle.Mullaney@mass.gov <mailto:Arielle.Mullaney@mass.gov>

From: Kade Crockford <kcrockford@aclum.org <mailto:kcrockford@aclum.org>> Sent: Thursday, April 18, 2019 10:58 AM To: Mullaney, Arielle (EPS) <Arielle.Mullaney@mass.gov <mailto:Arielle.Mullaney@mass.gov>> Cc: Emiliano Falcon <efalcon@aclum.org <mailto:efalcon@aclum.org>>; Jessie Rossman <JRossman@aclum.org <mailto:JRossman@aclum.org>>; Jessica Lewis <jlewis@aclum.org <mailto:jlewis@aclum.org>> Subject: Re: public records request Thanks. Just so you know, Jason Stelmat of the Massachusetts State Police told me EOPSS is the entity to ask about the records sought in request #3.

See attached.

Best,

Kade

Kade Crockford

Director, Technology for Liberty Program

American Civil Liberties Union of Massachusetts

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617.482.3170 x346 | kcrockford@aclum.org <mailto:kcrockford@aclum.org>

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<https://urldefense.proofpoint.com/v2/url?u=http-3A_aclum.org&d=DwMF-g& c=IDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=QcgLjFHbr1ApjwQjIAE6K6YJ I6gC28IXC2x-5soEL9c&m=4OnKFPd4eCHj174IfX4NNncEHqODdILOSSqcLqGIfUE&s=925V e7674GtHhAUvzlwX1CjtBH14ImXGAj7BNxHRFXg&e=> I privacysos.org/blog <https://urldefense.proofpoint.com/v2/url?u=http-3A_privacysos.org_blog &d=DwMF-g&c=IDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=QcgLjFHbr1Apjw QjIAE6K6YJI6gC28IXC2x-5soEL9c&m=4OnKFPd4eCHj174IfX4NNncEHqODdILOSSqcLqGI fUE&s=R9F5uImFcVC5J4-J-DbF2GkOfaerDh7LJKZqWpQDZSY&e=>

NSA: I'm a US person.

From: Mullaney, Arielle (EPS) <arielle.mullaney@state.ma.us <mailto:arielle.mullaney@state.ma.us> > Sent: Thursday, April 18, 2019 10:54 AM To: Kade Crockford Cc: Emiliano Falcon; Jessie Rossman; Jessica Lewis Subject: RE: public records request

So sorry – I meant to include those as what I am continuing to search for. As of now, I have found no responsive records in EOPSS control in response to requests 3-8 but as I said, I am still searching. I hope to have a more formal response to you shortly. Thank you.

Arielle Mullaney

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Arielle.Mullaney@mass.gov <mailto:Arielle.Mullaney@mass.gov>

From: Kade Crockford <kcrockford@aclum.org <mailto:kcrockford@aclum.org>> Sent: Thursday, April 18, 2019 10:52 AM To: Mullaney, Arielle (EPS) <Arielle.Mullaney@mass.gov <mailto:Arielle.Mullaney@mass.gov>> Cc: Emiliano Falcon <efalcon@aclum.org <mailto:efalcon@aclum.org>>; Jessie Rossman <JRossman@aclum.org <mailto:JRossman@aclum.org>>; Jessica Lewis <jlewis@aclum.org <mailto:jlewis@aclum.org>> Subject: Re: public records request

Hi Arielle,

Thanks for the reply. What about items 5-8?

Kade

Kade Crockford

Director, Technology for Liberty Program

American Civil Liberties Union of Massachusetts

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<https://urldefense.proofpoint.com/v2/url?u=http-3A_aclum.org&d=DwMF-g& c=IDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=QcgLjFHbr1ApjwQjIAE6K6YJ l6gC28IXC2x-5soEL9c&m=M-5Zmg-iOW3reM8II99hslfGTJGhwdQFPcMP9VEx4pY&s=ulwt FSS3Fg_Oinwj8rMBmhnarPJdwBamVox7SH50jhc&e=> I privacysos.org/blog <https://urldefense.proofpoint.com/v2/url?u=http-3A_privacysos.org_blog &d=DwMF-g&c=IDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=QcgLjFHbr1Apjw QjIAE6K6YJI6gC28IXC2x-5soEL9c&m=M-5Zmg-iOW3reM8II99hslfGTJGhwdQFPcMP9VEx 4pY&s=yGKJbUomnt8nLU1s0g-zJ78iS4PxYHTjWKXT9EtPrMY&e=> From: Mullaney, Arielle (EPS) <arielle.mullaney@state.ma.us <mailto:arielle.mullaney@state.ma.us>> Sent: Thursday, April 18, 2019 9:54:58 AM To: Kade Crockford Cc: Emiliano Falcon; Jessie Rossman; Jessica Lewis Subject: RE: public records request

Hi Kade,

I'm still searching our records as to your requests numbered 3 and 4. As for the emails – I've reached out to inquire what search terms were used in hopes to determine the reason behind the large amount of emails. Once I do, I think that I may be able to present them to you and you can perhaps narrow the scope. Otherwise, with about 5000 emails and the limited resources, it will be added to the queue to be reviewed and redacted and will take some time, as you know. Perhaps we'd be able to do a sample batch in which I send you the first ten or so and you review and can narrow the scope of the request from there, if possible.

I'll be in touch as soon as I can. Thank you.

Arielle Mullaney

Assistant General Counsel

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C: (781) 379-7753

Arielle.Mullaney@mass.gov <mailto:Arielle.Mullaney@mass.gov>

From: Kade Crockford <kcrockford@aclum.org <mailto:kcrockford@aclum.org>> Sent: Tuesday, April 16, 2019 3:44 PM To: Mullaney, Arielle (EPS) <Arielle.Mullaney@mass.gov <mailto:Arielle.Mullaney@mass.gov>> Cc: Emiliano Falcon <efalcon@aclum.org <mailto:efalcon@aclum.org>>; Jessie Rossman <JRossman@aclum.org <mailto:JRossman@aclum.org>>; Jessica Lewis <jlewis@aclum.org <mailto:jlewis@aclum.org>> Subject: Re: public records request

Hi Arielle, just following up on this. Please let me know when we can expect a response. Thanks.

Kade Crocktord

Director

Technology for Liberty Program

ACLU of Massachusetts

On Fri, Apr 12, 2019 at 10:22 AM -0400, "Kade Crockford" <kcrockford@aclum.org <mailto:kcrockford@aclum.org>> wrote:

Hi Arielle,

I just tried you by phone, but no luck. Do you have an update on when we can expect to receive these records?

Thanks,

Kade

Kade Crockford

Director, Technology for Liberty Program

American Civil Liberties Union of Massachusetts

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<https://urldefense.proofpoint.com/v2/url?u=http-3A_aclum.org&d=DwMF-g& c=IDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=QcgLjFHbr1ApjwQjIAE6K6YJ I6gC28IXC2x-5soEL9c&m=6ggE8_-e3xRhaG_WAocqvutkDOoFDrbec4XEJ7jWzGg&s=CNfX yxk8HnCrZ1g1afcUW7yW1j-fkRvzN6xjJ1kszIg&e=> I privacysos.org/blog <https://urldefense.proofpoint.com/v2/url?u=http-3A_privacysos.org_blog &d=DwMF-g&c=IDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=QcgLjFHbr1Apjw QjIAE6K6YJI6gC28IXC2x-5soEL9c&m=6ggE8_-e3xRhaG_WAocqvutkDOoFDrbec4XEJ7jW zGg&s=aFc9PTQnU6-iy66tJjcA6K9Y6g3mMDbqdNW4MxaBQYs&e=>

NSA: I'm a US person.

From: Mullaney, Arielle (EPS) <arielle.mullaney@state.ma.us <mailto:arielle.mullaney@state.ma.us> > Sent: Tuesday, April 9, 2019 5:16:53 PM To: Kade Crockford CC. Eminano Faicon, Jessie Rossman, Jessica Lewis Subject: RE: public records request

Hi Kade,

Just wanted to let you know that I'm scheduled to have a call about this on Thursday and as such, will have an update for you then. Thank you.

Arielle Mullaney

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Arielle.Mullaney@mass.gov <mailto:Arielle.Mullaney@mass.gov>

From: Kade Crockford <kcrockford@aclum.org <mailto:kcrockford@aclum.org>> Sent: Thursday, April 04, 2019 3:53 PM To: Mullaney, Arielle (EPS) <Arielle.Mullaney@mass.gov <mailto:Arielle.Mullaney@mass.gov>> Cc: Emiliano Falcon <efalcon@aclum.org <mailto:efalcon@aclum.org>>; Jessie Rossman <JRossman@aclum.org <mailto:JRossman@aclum.org>>; Jessica Lewis <jlewis@aclum.org <mailto:jlewis@aclum.org>> Subject: Re: public records request

Hi Arielle,

Do you have an update on when we can expect a response re the other portions of the request?

Additionally, regarding the emails, you can just send us all 5k. If they reference face recognition, we want them.

Thanks,

Kade

Kade Crockford

Director, Technology for Liberty Program

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<https://urldefense.proofpoint.com/v2/url?u=http-3A_aclum.org&d=DwMF-g& c=IDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=QcgLjFHbr1ApjwQjIAE6K6YJ I6gC28IXC2x-5soEL9c&m=YXD487Iy4_UoSf6SbxtNVJs3pFEU7BwdhT6YHEPIwk0&s=p2Ig HXIQ-HdHBal5Hb_o90KboQkVKTEqr6IzyQfGsww&e=> I privacysos.org/blog <https://urldefense.proofpoint.com/v2/url?u=http-3A_privacysos.org_blog &d=DwMF-g&c=IDF7oMaPKXpkYvev9V-fVahWL0QWnGCCAfCDz1Bns_w&r=QcgLjFHbr1Apjw QjIAE6K6YJI6gC28IXC2x-5soEL9c&m=YXD487Iy4_UoSf6SbxtNVJs3pFEU7BwdhT6YHEPI wk0&s=XPnItqGsOc9S4DofRnRoZkhFrieVqLQXwwdAFsIMQA4&e=>

NSA: I'm a US person.

From: Mullaney, Arielle (EPS) <arielle.mullaney@state.ma.us <mailto:arielle.mullaney@state.ma.us> > Sent: Monday, April 1, 2019 4:19:40 PM To: Kade Crockford Cc: Emiliano Falcon; Jessie Rossman; Jessica Lewis Subject: RE: public records request

Checking in on that for you. I'll be in touch as soon as I can.

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Arielle.Mullaney@mass.gov <mailto:Arielle.Mullaney@mass.gov>

From: Kade Crockford <kcrockford@aclum.org <mailto:kcrockford@aclum.org>> Sent: Monday, April 01, 2019 4:10 PM To: Mullaney, Arielle (EPS) <Arielle.Mullaney@mass.gov <mailto:Arielle.Mullaney@mass.gov>> Cc: Emiliano Falcon <efalcon@aclum.org <mailto:efalcon@aclum.org>>: Jessie Rossman <JRossman@aclum.org <mailto:JRossman@aclum.org>>; Jessica Lewis <jlewis@aclum.org <mailto:jlewis@aclum.org>> Subject: Re: public records request

Hi Arielle,

Thanks for this update. Can you please respond to the other portions of the request as well? The emails are just one piece of it.

Thanks,

kade

Kade Crockford

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NSA: I'm a US person.

From: Mullaney, Arielle (EPS) <arielle.mullaney@state.ma.us <mailto:arielle.mullaney@state.ma.us> > Sent: Monday, April 1, 2019 4:05:32 PM To: Kade Crockford Subject: RE: public records request

Hi Kade,

By way of introduction, my name is Arielle Mullaney. I just

started here at EOPSS and John is out on paternity leave. I will be assisting with records requests and I wanted to be sure I gave you an update.

I just reached out to the appropriate persons regarding the emails and the below correspondence. I was informed that because the scopes of your requests overlap to such a degree, without manually reviewing all approximately 5000 emails, it is impossible to indicate which emails and the amount of emails fall under each response. I've further been informed that, drafting unique search terms to target a single one of the requests may over-specify the searches and may likely leave out some responsive documents.

I hope that helps to clarify things a bit. Please let me know how you would like to proceed. Thank you.

Arielle Mullaney

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Arielle.Mullaney@mass.gov <mailto:Arielle.Mullaney@mass.gov>

From: Kade Crockford <kcrockford@aclum.org <mailto:kcrockford@aclum.org> > Sent: Monday, March 18, 2019 3:33 PM To: RAO, EOPSS (EPS) <eopss.rao@mass.gov <mailto:eopss.rao@mass.gov> > Subject: Re: public records request

Hi John,

Just following up on this request. Please let me know when I can expect a detailed, numbered response.

Thanks,

Kade

Kade Crockford

Director, Technology for Liberty Program

American Civil Liberties Union of Massachusetts

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NSA: I'm a US person.

From: RAO, EOPSS (EPS) <eopss.rao@state.ma.us <mailto:eopss.rao@state.ma.us> > Sent: Thursday, February 28, 2019 3:51:25 PM To: Kade Crockford Subject: RE: public records request

Hi Kade,

I'll get back to you as soon as I have some additional information.

Thank you,

John

From: Kade Crockford <kcrockford@aclum.org <mailto:kcrockford@aclum.org> > Sent: Thursday, February 28, 2019 3:34 PM To: RAO, EOPSS (EPS) <eopss.rao@mass.gov <mailto:eopss.rao@mass.gov> > Subject: Re: public records request

Thanks for getting back to me. Generally when I file a request with numbered asks like this one, agencies respond by providing detailed, itemized response letters, noting which documents they have in response to which specific items of the request. So, for example, I asked for: "3. Documents relating to the purchase or use of facial recognition, including but not limited to: purchase orders, RFPs, licensing agreements, invoices, and contracts (including nondisclosure agreements) related to any facial-recognition product or service.

4. Materials relating to how any facial-recognition product or service functions (or functions improperly), including e-mails, handouts, PowerPoint presentations, advertisements, or specification documents.

5. Manuals, policies, procedures, and practices governing the use or monitoring of a facial recognition product or service or related information or databases. This request includes, but is not limited to: a. Procedures for using, deleting, or retaining photos of subjects to be identified; b. Materials identifying any sources of such photos, such as mobile devices, body cameras, surveillance videos, identification photos, or arrest photos; c. Policies or procedures relating to the legal standard, if any, (e.g., probable cause, court order, relevance, consent) that is required before using any facial recognition product or service. d. Procedures the agency follows after a positive match, such as requiring independent or in-person verification; e. Permitted uses of the information created from a positive match. 6. Training materials related to any facial-recognition product or service by employees of EOPSS. 7. Records relating to any mobile application related to any facial-recognition product or service. 8. Records relating to any public process or debate about any facial-recognition product or service, including meeting agendas or minutes, public notice, analyses, or communications between EOPSS and elected or county officials."

My assumption is that there are many, many responsive documents to these portions of the request that are not emails.

In any case, if you could prepare a response that indicates whether you have documents responsive to each specific, numbered portion of the original request, that would be fantastic. That would help me figure out how to narrow the request, if we elect to do so at all.

Best,

Kade

Kade Crockford

Director, Technology for Liberty Program

American Civil Liberties Union of Massachusetts

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NSA: I'm a US person.

From: RAO, EOPSS (EPS) <eopss.rao@state.ma.us <mailto:eopss.rao@state.ma.us> > Sent: Thursday, February 28, 2019 3:29:16 PM To: Kade Crockford Subject: RE: public records request

Hi Kade,

So I've been informed that the vast majority of the results (99%-100%) are e-mails (or attachments to emails). There is no way of telling how many of each make up the 4900+ (without reviewing the items one-by-one). How would you like to proceed? Perhaps narrow the scope of the search? Please let me know.

Thank you,

John H. Melander, Jr.

Deputy General Counsel

Executive Office of Public Safety and Security

One Ashburton Place, Room 2133

Boston, MA 02108

T: 617-727-7775

From: Kade Crockford <kcrockford@aclum.org <mailto:kcrockford@aclum.org> > Sent: Tuesday, February 26, 2019 4:35 PM To: RAO_EOPSS (EPS) <eopse rao@mass.cov/ <mailto:eopss.rao@mass.gov>>
Subject: Re: public records request

John, thanks. I look forward to seeing it.

Kade Crockford

Director, Technology for Liberty Program

American Civil Liberties Union of Massachusetts

211 Congress Street, Boston, MA 02110

617.482.3170 x346 | kcrockford@aclum.org <mailto:kcrockford@aclum.org>

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NSA: I'm a US person.

From: RAO, EOPSS (EPS) <eopss.rao@state.ma.us <mailto:eopss.rao@state.ma.us> > Sent: Tuesday, February 26, 2019 4:33:34 PM To: Kade Crockford Subject: RE: public records request

Hi Kade,

You are correct, this was correspondence from February 2017. So disregard that!! I'm sorry.

So pending now is just the your one request. Let me find out more about the breakdown of the records and I will get back to you ASAP.

Thanks,

John

From: Kade Crockford <kcrockford@aclum.org <mailto:kcrockford@aclum.org> > Sent: Tuesday, February 26, 2019 4:22 PM To: RAO, EOPSS (EPS) <eopss.rao@mass.gov <mailto:eopss.rao@mass.gov> > Subject: Re: public records request

Hi John,

Thanks for getting back to me. I am very confused! Was this correspondence with Shannon from 2019? I have no recollection of it, and a search of my email comes up empty. Would you mind forwarding me the correspondence?

Also, could you break down the records by each individual request? Is it 4k+ emails, or what?

Thanks,

Kade

Kade Crockford

Director, Technology for Liberty Program

American Civil Liberties Union of Massachusetts

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Hi Ms. Crockford,

I apologize for the delay. Shannon Sullivan recently left the Office and I have taken over her position as Deputy General Counsel and the Chief Records Access Officer. I'm brand new to the agency, so I'm just trying to get up-to-speed. Anyway, I see there have been at least a couple recent requests made by you to EOPSS – one on 2/11 relating to "the use of facial recognition products or services" (which you were inquiring), and one from 2/14 relating to homeland security grant funds. Please let me know if I am missing any pending requests that you have made to EOPSS.

Regarding the facial recognition request – that search yielded 4,924 results. Would you like to narrow the scope of your search in order to reduce the results? Or, I could provide a cost estimate.

Regarding the 2/14 request – in reviewing the email correspondence between you and Shannon it looks as though she sent you a revised cost estimate on 2/24. You thanked her and I don't see any additional correspondence. It's certainly possible I'm missing it.

Please let me know how you'd like to proceed on both of these requests and I will complete them ASAP.

Thank you,

John H. Melander, Jr.

Deputy General Counsel

Executive Office of Public Safety and Security

One Ashburton Place, Room 2133

Boston, MA 02108

T: 617-727-7775

From: Kade Crockford <kcrockford@aclum.org <mailto:kcrockford@aclum.org> > Sent: Tuesday, February 26, 2019 11:00 AM To: RAO, EOPSS (EPS) <eopss.rao@mass.gov <mailto:eopss.rao@mass.gov> > Cc: Jessie Rossman <JRossman@aclum.org <mailto:JRossman@aclum.org> > Subject: Re: public records request

Hello. I'm following up on this records request, filed February 11. As you know, the state public records law mandates that agencies respond to requests within ten business days. It has now been 11 days, going on 12.

Thanks,

Kade

Kade Crockford

Director, Technology for Liberty Program

American Civil Liberties Union of Massachusetts

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NSA: I'm a US person.

From: Kade Crockford Sent: Monday, February 11, 2019 4:58:19 PM To: eopss.rao@state.ma.us <mailto:eopss.rao@state.ma.us> Cc: Jessie Rossman Subject: public records request Hello,

Please see the attached public records request.

Thank you.

Kade

Kade Crockford

Director, Technology for Liberty Program

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NSA: I'm a US person.