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The Commonwealth of Massachusetts

Department of State Police

Office of the Chief Legal Counsel

470 Worcester Road

Framingham, Massachusetts 01702

November 21, 2019

Mr. Emiliano Falcon
Technology and Civil Liberties Policy Counsel
Technology for Liberty Program
American Civil Liberties Union of Massachusetts
211 Congress Street
Boston, MA 02110

RE: PUBLIC RECORDS REQUEST

Dear Mr. Falcon:

The Massachusetts Department of State Police ("Department") is now providing an additional response to your public records request dated July 25, 2019 regarding the use of facial recognition technology.¹ The purpose of this response is to address the following items contained in Part II of your request:

3. All communications between or among members of MSP Enforcement Services Unit and/or 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.
4. All communications between or among members of the MSP Enforcement Services Unit and/or Compliance Unit and the Registry of Motor Vehicles Enforcement Services Unit, including but not limited to emails, policy memos, and official forms, between February 16, 2017 and the present.

It should be noted that your initial request did not include any search terms as required for the Department to conduct an email search through the Executive Office of Technology Services and Security (EOTSS). Therefore, on August 15, 2019, the Department reached out to the ACLU requesting clarification of your request as well as search terms for the Department to submit to EOTSS. While the ACLU did provide a number of search terms which were subsequently modified several times, the Department has determined that the list of terms provided greatly exceeds the scope of the initial request. Therefore, the Department has

¹ The Department's first response was sent, and receipt was acknowledged, via electronic mail on October 31, 2019.

developed a list of terms that align with your initial request. The terms and search results are as follows:

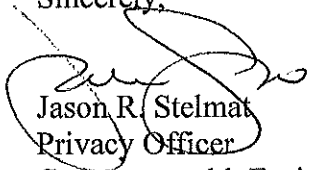
- (1) "State Police Enforcement Unit" and "FBI.gov" and "Facial recognition" – (0 results)
- (2) "State Police Compliance Unit" and "FBI.gov" and "Facial recognition" - 5 results, 98.65kb (2 results after de-duplication)
- (3) "State Police Enforcement Unit" and "Registry of Motor Vehicles Enforcement Services" and "Facial recognition" and "policy" – (0 results)
- (4) "State Police Enforcement Unit" and "Registry of Motor Vehicles Enforcement Services" and "Facial recognition" and "memorandum" – (0 results)
- (5) "State Police Enforcement Unit" and "Registry of Motor Vehicles Enforcement Services" and "Facial recognition" and "forms" – (0 results)
- (6) "State Police Compliance Unit" "Registry of Motor Vehicles Enforcement Services" and "Facial recognition" and "policy" – (0 results)
- (7) "State Police Compliance Unit" "Registry of Motor Vehicles Enforcement Services" and "Facial recognition" and "memorandum" – (0 results)
- (8) "State Police Compliance Unit" "Registry of Motor Vehicles Enforcement Services" and "Facial recognition" and "forms" – (0 results)

Please note that the Department's primary use of facial recognition technology is for case investigations, both internally and in conjunction with other law enforcement agencies. Therefore, any communications containing references to investigations, active cases, CORI information, investigative materials, security information and personal contact information of state and federal employees is subject to exemption under M.G.L. c. 4, section 7, clauses 26(a) (materials specifically exempted from disclosure by statute), (b) (internal rules and practices of the government unit), (f) (investigative exemption), and (n) (policies and procedures related to the security and safety of persons) as well as M.G.L. c. 6, § 172 and M.G.L. c. 66, section 10B.

If you wish to challenge any aspect of this response, you may appeal to the Supervisor of Public Records following the procedure set forth in 950 C.M.R. 32.08, a copy of which is available at <http://www.mass.gov/courts/case-legal-res/law-lib/laws-by-source/cmr/>. You may also file a civil action in accordance with M.G.L. c. 66, § 10A.

Your attention to this matter is greatly appreciated.

Sincerely,



Jason R. Stelmat
Privacy Officer

Commonwealth Fusion Center
(978) 451-3752

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