



August 2, 2019

Sent via email

Primary Records Access Officer
Executive Office of Public Safety and Security
One Ashburton Place, Suite 2133
Boston, MA 02108
eopss.rao@state.ma.us

Re: Public records request related to EOPSS relationship with DataWorks Plus, LLC.

Dear Primary Records Access Officer,

This is a request under the Massachusetts Public Records Law, G.L. c. 66, § 10, made on behalf of the American Civil Liberties Union Foundation of Massachusetts (“ACLU”).

The ACLU seeks copies of all the records¹ relating to the Executive Office of Public Safety and Security (“EOPSS”) relationship with DataWorks Plus, LLC (“DataWorks”).

Public reporting shows that at least two cities—Chicago and Detroit—purchased software from DataWorks to equip police departments “with the ability to identify faces from surveillance footage in real time,”² using facial recognition.³

The ACLU has substantial concerns about the use of facial recognition systems by the government and its agencies, and therefore requests **all records created on or after January 1, 2015, that relate to any relationship between EOPSS and DataWorks.**

These records include but are not limited to:

¹ Throughout this request, the term “**records**” includes but is not limited to any paper or electronic information, reports, evaluations, memoranda, correspondence, letters, emails, charts, graphs, flyers, meeting agendas, meeting minutes, training materials, diagrams, forms, DVDs, tapes, CDs, notes, or other similar materials.

² Gregory Barber and Tom Simonite, Some US Cities Are Moving Into Real-Time Facial Surveillance, Wired, May 17, 2019, available at <https://www.wired.com/story/some-us-cities-moving-real-time-facial-surveillance/>

³ In this letter, “facial recognition” means the automated or semi-automated process by which a person is identified or attempted to be identified based on the characteristics of his or her face.

1. All communications between or among any representative of the EOPSS and any representative of DataWorks. This includes but is not limited to text messages and emails;
2. All internal communications referencing DataWorks and any of its products or services, including but not limited to those involving facial recognition. This includes but is not limited to text messages and emails;
3. Documents relating to the existing relationship between the EOPSS and DataWorks. This includes but is not limited to documents showing the purchase or use of DataWorks products, systems, or technologies, such as MOUs, purchase orders, RFPs, licensing agreements, invoices, non-disclosure agreement, and other contracts;
4. Materials relating to how DataWorks services and products—including but not limited to those involving facial recognition—function, or function improperly. This includes but is not limited to e-mails, handouts, PowerPoint presentations, advertisements, or specification documents;
5. Training materials related to DataWorks products or services, including but not limited to those involving facial recognition;
6. Policies, procedures, or other internal documents related to the use of DataWorks products or services—including but not limited to those involving facial recognition—and the data they produce;
7. Records relating to any mobile application(s) related to DataWorks products or services, including but not limited to those involving facial recognition; and
8. Records relating to any public process or debate about any DataWorks products or services, including but not limited to those involving facial recognition. This includes but is not limited to meeting agendas or minutes, public notices, analyses, or communications between the EOPSS and elected officials.

Because this request involves a matter of public concern and because it is made on behalf of a nonprofit organization, we ask that you waive any fees. ACLU is a nonprofit §501(c)(3) organization dedicated to the protection of civil rights and liberties for all persons in the Commonwealth of Massachusetts. As the state's affiliate of the American Civil Liberties Union, the ACLU of Massachusetts is part of a nationwide network of advocates dedicated to defending and expanding the civil liberties of all.

If you decide not to waive fees, we request that you permit us to examine, at our election, the responsive documents before deciding which portions to copy. We would prefer the documents in electronic format.

Should you determine that some portion of the documents requested are exempt from disclosure, please release any reasonably segregable portions that are not exempt. In addition, please note



the applicable statutory exemption and explain why it applies to the redacted portions. As you know, a custodian of public records shall comply with a request within ten days after receipt.

If you have questions about this request, please contact me at (617) 482-3170 x402 or efalcon@aclum.org

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

Sincerely,

A handwritten signature in black ink, appearing to read "Emiliano Falcon". The signature is written in a cursive style and is positioned above the typed name.

Emiliano Falcon
Technology and Civil Liberties Policy
Counsel
Technology for Liberty Program
ACLU of Massachusetts