

From Moeser, Stacie <SMoeser@lowellma.gov>
Subject **RE: New request received**
To 'Emiliano Falcon-Morano' <efalcon@aclum.org>
Date Fri, 6 Mar 2020 13:53:57 +0000

Hi Emiliano,

Correct. I have verified that no account was activated.

Respectfully,

Stacie

Stacie M. Moeser | Assistant City Solicitor
City of Lowell - Law Department
City Hall, 375 Merrimack Street, 3rd Floor | Lowell, MA 01852-5909
Tel: 978.674.4050 | Fax: 978.453.1510 | <http://www.lowellma.gov>
c=E,1,SV5aj6FFVcKBf4rME05whPgM_SmtMIkSmDu0Xsv8WYpKoA0PnGO1YOSnCrENY54iBD
P2qmnoRkrkBHatW2CjnB6TICx6k5e5d7g43kqxYwwaAw.,&typo=1>

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From: Emiliano Falcon-Morano
Sent: Wednesday, March 4, 2020 12:11 PM
To: Moeser, Stacie
Cc: Gettings, Celine
Subject: RE: New request received

Thank you. Just for clarification, no one ever activated the link, right?

Thanks.

Best,

Emiliano

Emiliano Falcon-Morano

Pronouns: he, him, his

Technology for Liberty Policy Counsel

From: Moeser, Stacie [mailto:SMoeser@lowellma.gov]
Sent: Wednesday, March 4, 2020 11:43 AM
To: Emiliano Falcon-Morano >
Cc: Gettings, Celine >
Subject: RE: New request received

Dear Attorney Falcon-Morano,

I apologize for the delay in my following up with you due to my being out of the office last week.

I was able to identify four emails that have been received by members of the Lowell Police Department from facial recognition companies, that you will please find attached. The officers did not respond to these solicitations. The first three emails were to Sgt. Jose Ramirez from Clearview AI. The fourth email was to Sgt. Jon Noone from Family Search, which might not be a target company for you but I wanted to include in an abundance of caution. On behalf of the Lowell Police Department, I am not aware of any solicitations beyond these emails.

Please do not hesitate to contact me with any further questions or concerns. Please also note your appellate rights, as previously indicated and included below.

Respectfully,

Stacie

Stacie M. Moeser | Assistant City Solicitor
City of Lowell - Law Department
City Hall, 375 Merrimack Street, 3rd Floor | Lowell, MA 01852-5909
Tel: 978.674.4050 | Fax: 978.453.1510 | <http://www.lowellma.gov>
c=E,1,Y3faF1QjJAvXXIVqVOf3Zu2kSIMbeLx1ZwMSLBRPtkl2GIlxFLHlkK1mPoFblBcqD6
Vm0FTArlv-dzCDbillmQSP-G6LT3WYkdIO2TXAqOo,&typo=1>

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From: Emiliano Falcon-Morano >
Sent: Friday, February 21, 2020 1:39 PM
To: Moeser, Stacie
>
Cc: Gettings, Celine >; Taisha Lazare >
Subject: RE: New request received

Thank you for the email.

Did you check to see if there were any solicitations sent by these companies to any member of the police department?

Thank you!

Best,

Emiliano

Emiliano Falcon-Morano

Pronouns: he, him, his

Policy Counsel

Technology for Liberty Program

American Civil Liberties Union of Massachusetts

211 Congress Street, Boston, MA 02110

617.482.3170 x402 | efalcon@aclum.org

Website

[_8a96Gxoayq486RsSJaw0Y7rUKYeL2GMh1-qV4sCdIxc5dgfbLIOYIVWTyXli7Cg4ou-nzYr2vmAK7wzq3q5jBx-MIhXz52drph7RdapT2PqSARWke7YV7E4vebpA,,&typo=1> |](#)

Twitter

[ass&c=E,1,0m8TEw133iSAxESPYcPtA1vhUZePOqD3rF9sn77eEk896aB05p6lx8ExNE1q1qaCILJToJa6u13nUfECBNh3C8f1XGkBO3Gq_GcRyencEYKtCySsVA,&typo=1> |](#)

Facebook | Instagram

| Youtube

From: Moeser, Stacie [<mailto:SMoeser@lowellma.gov>]
Sent: Tuesday, February 18, 2020 2:01 PM

To: Emiliano Falcon-Morano >
Cc: Gettings, Celine >
Subject: RE: New request received

Dear Attorney Falcon,

The City of Lowell, on behalf of the Lowell Police Department (“LPD”), is in receipt of your public records request submitted on Friday, February 14, and included below, regarding “Clearview AI”. The City herein provides the following response which we hope will be helpful to you, but please also do not hesitate to contact me with any further questions or concerns.

LPD has not previously and does not currently own or use any facial recognition product or service. LPD also does not have any contract and is not in the process of negotiating any contract with Clearview AI or any other entity to provide such a product or service. The City previously used Clearview Data Systems to electronically store booking photographs of individuals, but this ended in 2014 when LPD migrated its systems to Larimore Associates.

Again, please do not hesitate if I can be of assistance. As you are aware, you have a right to appeal this response. According to G.L. c. 66, §10A(a), you may petition the Supervisor of Records at the following address:

Secretary of the Commonwealth

Division of Public Records

1 Ashburton Place, Room 1719

Boston, MA 02108

In addition, you have the right to seek judicial review of an unfavorable decision by commencing a civil action in the Superior Court under G.L. c. 66, §10A(c).

Respectfully,

Stacie M. Moeser

Stacie M. Moeser | Assistant City Solicitor
City of Lowell - Law Department
City Hall, 375 Merrimack Street, 3rd Floor | Lowell, MA 01852-5909
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c=E,1,WhiNmWUTMULO1FK1a7PNXQkETy5WKef0_CBF8ZEavJxjh5Ev6EqCtdaZTaM57if1U
x-hSQ9vVjvTDIU3IdepFY5ttS3nnb-CVJHu5MoFg,,&typo=1>

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From: Law Department >
Sent: Friday, February 14, 2020 12:53 PM
To: Moeser, Stacie
>
Subject: New request received

Category Law Department has received a new request.

Here is what we have on file:

Public Records Request

#24106

SUBMITTER

Category:

Law Department

Emiliano Falcon

Priority:

2

Assigned To:

Moeser Stacie

Submitted:

2/14/2020 12:52 PM

CONTACT

Source:

Website 98.229.144.104

efalcon@aclum.org

dmin%2fRequestTracker.aspx&c=E,1,eKcNbdRYxI9jYUF5WSoNHSxKxSUivBEHLGfCUgUnIstJUoHpUzkS9zvHXOTxh3IX1BZnCbCwpUqBSnKg31VK3cvuT6I-01CwVR_eFEVKApZ3HZqRnmCeOJA7rfh5&typo=1>

REQUEST DETAILS

Description

Dear 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 of Massachusetts (“ACLU”).

Clearview AI (“Clearview”), a facial recognition technology start-up, makes available to law enforcement a product that attempts to match photos of unknown people to images in a database. Clearview AI’s database reportedly contains billions of pictures scraped from social media sites like Facebook, YouTube, and Venmo. According to newspapers, Clearview AI markets this product to federal, state, and local law enforcement agencies. This company is just one of many that market their facial recognition technology to government agencies.

ACLU has significant concerns about the use of facial recognition in Massachusetts. We therefore seek records pertaining to Clearview AI and other facial recognition companies and products.

Records requested

This request includes but is not limited to the following records created on or after January 1, 2019:

1. All communications, including text messages and emails, between or among any staff member or representative of the police department and any representative of any company that manufactures or sells any facial recognition product, including but not limited to Clearview AI;
2. All internal communications, including text messages and emails, referencing any company that manufactures or sells any facial recognition product or service, including but not limited to Clearview AI;
3. Records evidencing or describing any existing or potential relationship between the police department and all companies that manufacture or sell any facial recognition product, including but not limited to Clearview AI. These records include but are not limited to MOUs, purchase orders, RFPs, licensing agreements, invoices, non-disclosure agreements, project proposals, and other contracts;
4. Records referencing the operational effectiveness or accuracy rate of any of facial recognition service or product. These records include but are not limited to e-mails, handouts, PowerPoint presentations, advertisements, audits, and specification documents;
5. Training materials related to facial recognition products or services;
6. Policies and procedures pertaining to the use of facial recognition products or services, or the data they produce; and
7. Records relating to any public process, meeting, or debate about any facial recognition products or services. These include but are not limited to meeting agendas or minutes, public notices, analyses, and communications between the police department and elected officials.

Because this request involves a matter of public concern and is made on

behalf of a nonprofit organization, we ask that you waive any fees. ACLUM 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 determining which portions to copy. We prefer the documents in electronic format. If you believe that some portion of the documents requested are exempt from disclosure or require redaction, please release any reasonably segregable portions that are not exempt. Also, 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.

Request Public Records from

Police

Brief description, including type of Public Records Request

Dear 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 of Massachusetts ("ACLUM").

Clearview AI ("Clearview"), a facial recognition technology start-up, makes available to law enforcement a product that attempts to match photos of unknown people to images in a database. Clearview AI's database reportedly contains billions of pictures scraped from social media sites like Facebook, YouTube, and Venmo. According to newspapers, Clearview AI markets this product to federal, state, and local law enforcement agencies. This company is just one of many that market their facial recognition technology to government agencies.

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3. Records evidencing or describing any existing or potential relationship between the police department and all companies that manufacture or sell any facial recognition product, including but not limited to Clearview AI. These records include but are not limited to MOUs, purchase orders, RFPs, licensing agreements, invoices, non-disclosure agreements, project proposals, and other contracts;
4. Records referencing the operational effectiveness or accuracy rate

of any of facial recognition service or product. These records include but are not limited to e-mails, handouts, PowerPoint presentations, advertisements, audits, and specification documents;

5. Training materials related to facial recognition products or services;

6. Policies and procedures pertaining to the use of facial recognition products or services, or the data they produce; and

7. Records relating to any public process, meeting, or debate about any facial recognition products or services. These include but are not limited to meeting agendas or minutes, public notices, analyses, and communications between the police department and elected officials.

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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.

Time period regarding information requested:

From January 2019

Your Information

Name

Emiliano Falcon

Fax Number

Email Address

efalcon@aclum.org

Indicate how you would like to receive the information requested.

Electronic - Email