

From "Janelle M. Austin" <jAustin@k-plaw.com>  
Subject **Town of Pembroke Police Department- Response to Public Records Request**  
To "efalcon@aclum.org" <efalcon@aclum.org>  
Date Wed, 15 Apr 2020 18:10:01 +0000

Mr. Falcon-Morano,

KP Law, P.C. serves as Town Counsel to the Town of Pembroke. The Pembroke Police Department is in receipt of your April 6, 2020 public records request, which it received by e-mail on April 6, 2020 after business hours seeking certain police records regarding facial recognition.

**Summary of Request:**

The request seeks the following documents 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.

**Response**

After diligent review of your request and Police Department records, please be advised that the Police Department does not have any records responsive to this request. Please be advised that the Police Department's duty to respond to records requests extends only to records that are in existence and in its custody, and the Police Department is under no obligation to create records in response to your request. Furthermore, the Police Department is not required to answer questions in response to a public records request. See "A Guide to the Massachusetts Public Records Law," March 2020, published by the Secretary of the Commonwealth, at page 40.

You may appeal this response to the Supervisor of Public Records pursuant to 950 CMR 32.08(1)(d). By law, the Supervisor is required to respond within 10 business days of receipt of your appeal. You may also seek judicial review of an unfavorable response by commencing a civil action in the superior court, under G.L. c.66, §10A(c).

Thank you for your attention to this matter.

Very truly yours,  
Janelle

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