



OFFICE OF THE TOWN CLERK

Jennifer L. Messina

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Great Barrington, MA 01230

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413-528-1619 x3
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PUBLIC RECORDS REQUEST FORM

All public records request will be responded to within ten (10) days after receipt of request.
Responses may indicate further time is necessary, additional information is required, or
an estimate of fees required to fulfill the request, as examples.

Pursuant to Public Records Law all exemptions will be redacted from any and all material being released.

Date of Request:

4/6/20

Description of
Materials Sought:

(see attached letter)

Requestors Information:

Name of Requestor:

Emiliano Falcon

Firm / Company:

ACLU of Massachusetts

Address:

City:

State:

Zip:

Phone number:

617-482-3170 x4⁰²

Fax number:

Email:

efalcon@aclum.org

Please be as specific as possible when requesting information:

- COPY OF RECORDS (.05\$ per page plus search, redact and/or copy fee)
 OTHER / ADDITIONAL INFORMATION:

emailed WW/AC/PS/CB 4/8/20
records emailed EF 4/21/20

OFFICE USE:

Received by:

JLM
4/7/20

Initial Response:

Subsequent Reviews:

Fees:

Paid:

Records Provided:

4/21/20
KVC

10th Day to Respond by:

4/21/20



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April 21, 2020

Emiliano Falcon
Policy Counsel
Technology for Liberty Program
ACLU of Massachusetts
Via email: efalcon@aclum.org

Dear Mr. Falcon,

This letter is in response to your records request dated April 6, 2020 and received by my office on April 7, 2020 requesting records created on or after January 1, 2019 from the Great Barrington Police Department regarding Clearview AI, a facial recognition technology. Below are the responses, per your specific numbered requests in your letter, from the GB Police Department:

1.-6. Do not apply

7. In February of 2019 Chief William Walsh had verbal communication, with a now deceased elected official, stating that if we ever get these the ACLU's will go crazy unless we're in the middle of a pandemic and their busy releasing a lot of bad guys from jail.

Be advised that Public Records Requests in Massachusetts are governed by General Law Chapter 66 as well as Code of Massachusetts Regulations 950 CMR 32.00.

Sincerely,

Jennifer L. Messina

Jennifer L. Messina
Town Clerk



April 6, 2020

Sent via email

Police Department
Records Access Officer

Re: Public records request pertaining to facial recognition

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.¹ Clearview AI’s database reportedly contains billions of pictures scraped from social media sites like Facebook, YouTube, and Venmo.² According to newspapers, Clearview AI markets this product to federal, state, and local law enforcement agencies.³ This company is just one of many that market their facial recognition technology to government agencies.

ACLUM 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;

¹ See Clearview AI, available at <https://clearview.ai/>

² The Secretive Company That Might End Privacy as We Know It, Kashmir Hill, The New York Times, Jan. 18, 2020, available at <https://www.nytimes.com/2020/01/18/technology/clearview-privacy-facial-recognition.html>

³ Florida Cops Use This Facial Recognition Tech That Could Be Pulling Your Pics, Allison Ross, Malena Carollo and Kathryn Varn, Tampa Bay Times, Feb. 11, 2020, available at <https://www.tampabay.com/florida-politics/buzz/2020/02/11/florida-cops-use-this-facial-recognition-tech-that-could-be-pulling-your-pics/>

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.

Sincerely,

A handwritten signature in black ink, appearing to read 'Emiliano Falcon', with a stylized flourish at the end.

Emiliano Falcon
Policy Counsel
Technology for Liberty Program
ACLU of Massachusetts