

Re: ACLU Public Records Request

Emiliano Falcon-Morano

Tue 6/9/2020 1:19 PM

To: Stelmat, Jason (POL) <jason.stelmat@state.ma.us>;

Cc: Taisha Lazare <tlazare@aclum.org>;

Yes! Sure. Thanks!

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](tel:617.482.3170) x402 | efalcon@aclum.org

[Website](#) | [Twitter](#) | [Facebook](#) | [Instagram](#) | [Youtube](#)

From: Stelmat, Jason (POL) <jason.stelmat@state.ma.us>

Sent: Tuesday, June 9, 2020 1:17 PM

To: Emiliano Falcon-Morano

Subject: RE: ACLU Public Records Request

[May we close out this request?](#)

From: Emiliano Falcon-Morano [mailto:efalcon@aclum.org]

Sent: Tuesday, June 09, 2020 12:19 PM

To: Stelmat, Jason (POL)

Cc: Kade Crockford; Jessica Lewis; Taisha Lazare

Subject: Re: ACLU Public Records Request

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Thank you, Jason.

This is fine for now! Thanks for everything.

Best,

Emiliano

Emiliano Falcon-Morano

Pronouns: he, him, his

Policy Counsel
Technology for Liberty Program
American Civil Liberties Union of Massachusetts
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[Website](#) | [Twitter](#) | [Facebook](#) | [Instagram](#) | [Youtube](#)

From: Stelmat, Jason (POL) <jason.stelmat@state.ma.us>
Sent: Thursday, June 4, 2020 11:43 AM
To: Emiliano Falcon-Morano
Cc: Kade Crockford; Jessica Lewis; Taisha Lazare
Subject: RE: ACLU Public Records Request

Hi Emiliano,

The de-duplicated number of results from the EOTSS search is 15,706 emails. After 4 hours of work, I have learning the following:

- 13,406 of those emails appear to have been picked up by the search only because they contain a banner advertising Clearview (I've attached the banner for reference).
- Of the remaining 2,200+ emails, it appears that the majority of them are also various forms of advertising that contain a mention of the Clearview product. I've attached a couple of examples for reference. I can provide more if you wish but I assume this is not exactly what you are looking for.
- I did find a couple of emails directly related to the use of Clearview. One email appears to be a solicitation directly from Clearview to use their product. Another is an email from an outside agency seeking feedback from other departments that have used Clearview. I'm attaching both emails. There is very little substance in each of these emails.

Please understand that I have not thoroughly reviewed every email. I simply tried my best to provide an overview of the results with 4 hours of work. As previously stated, MSP does not use Clearview. The only facial recognition product we currently use is the Massachusetts RMV system. However, I am happy to provide a cost estimate if you wish to proceed with this request and thoroughly review and redact each email. Please let me know how you wish to proceed.

Regards,
Jason

From: Emiliano Falcon-Morano [mailto:efalcon@aclum.org]
Sent: Friday, May 29, 2020 12:58 PM
To: Stelmat, Jason (POL)
Cc: Kade Crockford; Jessica Lewis; Taisha Lazare
Subject: Re: ACLU Public Records Request

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Jason,

Thank you for the email. This sounds good to me.

Thank you very much.

Have a nice weekend.

Best regards,

Emiliano

Emiliano Falcon-Morano

Pronouns: he, him, his

Policy Counsel

Technology for Liberty Program

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From: Stelmat, Jason (POL) <jason.stelmat@state.ma.us>

Sent: Friday, May 29, 2020 12:11 PM

To: Emiliano Falcon-Morano

Subject: RE: ACLU Public Records Request

Hi Emiliano,

I think that makes sense. I can order the upload of 15,000 emails from EOTSS. I can set aside 4 hours to review and redact as many emails as possible. I should be able to have those to you by the middle of next week. Based on your review of those emails, we can elect how to proceed with the understanding that the time spent to provide this sample will count as the fee-exempt portion of our response.

Please let me know if this is agreeable.

Regards,

Jason

From: Emiliano Falcon-Morano [mailto:efalcon@aclum.org]

Sent: Friday, May 29, 2020 10:07 AM

To: Stelmat, Jason (POL)

Cc: Kade Crockford; Jessica Lewis; Taisha Lazare

Subject: Re: ACLU Public Records Request

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello Jason,

Good morning. Thank you for the email.

I hear what you are saying. However, before addressing the issues that you raise, can you try to work it out and provide us with a sample of the emails? At the end of the day, those would be the fee-exempt emails resulting from the first 4 hours of time spent searching for, compiling, segregating, redacting and reproducing the records.

Thank you very much!

Stay safe and healthy.

Best,

Emiliano

Emiliano Falcon-Morano

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From: Stelmat, Jason (POL) <jason.stelmat@state.ma.us>

Sent: Thursday, May 28, 2020 4:48 PM

To: Emiliano Falcon-Morano

Cc: Kade Crockford; Jessica Lewis; Taisha Lazare

Subject: RE: ACLU Public Records Request

Hi Emiliano,

You are correct that my office did not respond within 10 business days of receiving the original request. However, this was not due to any intentional delay on our part. The covid pandemic has created a lot of hardship over the past few months across various agencies including MSP. We are short staffed and doing the best we can to keep up with everything. Even the email searches which are conducted by another agency are taking more time. The Secretary of State's office is aware of the issues and the word from the Supervisor's of Records Office is that we should be sending responses as soon as practicable. Therefore, we are still sending cost estimates on public records requests. Most of the public records requestors are more than understanding given the issues we are facing. You are, of course, free to present the argument to the Supervisor's Office that you believe the delay is unwarranted. They are always fair about hearing both sides before ruling.

That being said, I am happy to generate an official cost estimate in order to obtain an official ruling from the Supervisor's Office. I can do so based on the numbers that we have at this time or we can further refine the search terms in an effort to

reduce the number of results. Please let me know your preference. If I do not hear back by the close of business tomorrow I will proceed with the results we have now.

Regards,
Jason

From: Emiliano Falcon-Morano [mailto:efalcon@aclum.org]
Sent: Thursday, May 28, 2020 2:25 PM
To: Stelmat, Jason (POL)
Cc: Kade Crockford; Jessica Lewis; Taisha Lazare
Subject: Re: ACLU Public Records Request

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Hi Jason,

Thank you for the email.

The original request was not responded in 10 business days so the MSP cannot charge us for the production of the emails. That said, we want to see a sample of those emails before moving forward with the whole production.

Can you please send us a sample of the emails?

Thank you very much.

Stay safe and healthy.

Best,

Emiliano

Emiliano Falcon-Morano

Pronouns: he, him, his

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From: Stelmat, Jason (POL) <jason.stelmat@state.ma.us>
Sent: Thursday, May 21, 2020 4:06 PM
To: Emiliano Falcon-Morano
Subject: RE: ACLU Public Records Request

Emiliano,

I've been informed that the de-duplicated number is around 16,000 emails. That would put a cost estimate somewhere around \$20,000. Please let me know if you wish to proceed at this point or would like to attempt to narrow the scope to reduce the results.

Thank you,
Jason

From: Emiliano Falcon-Morano [mailto:efalcon@aclum.org]
Sent: Thursday, May 21, 2020 1:07 PM
To: Stelmat, Jason (POL)
Cc: Kade Crockford; Jessica Lewis; Taisha Lazare
Subject: Re: ACLU Public Records Request

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Hi Jason,

Thanks. Can you de-duplicate the results?

Thanks.

Emiliano

Emiliano Falcon-Morano

Pronouns: he, him, his

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From: Stelmat, Jason (POL) <jason.stelmat@state.ma.us>
Sent: Thursday, May 21, 2020 12:45 PM
To: Emiliano Falcon-Morano
Cc: Kade Crockford; Jessica Lewis; Taisha Lazare
Subject: RE: ACLU Public Records Request

Hi Emiliano,

I've been informed by EOTSS that the keyword search produced approximately 25,000 results. I can have them de-duplicate the results so that I can provide an accurate cost estimate to you or we can try to narrow the search to obtain a more workable number of results. Please let me know how you wish to proceed.

Thanks,
Jason

From: Emiliano Falcon-Morano [mailto:efalcon@aclum.org]
Sent: Friday, May 15, 2020 10:52 AM
To: Stelmat, Jason (POL)
Cc: Kade Crockford; Jessica Lewis; Taisha Lazare
Subject: Re: ACLU Public Records Request

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Hi Jason,

Thank you.

Yes, let's start with Clearview, and then we can see if we want the rest of them.

Sorry for the back and forth.

Best,

Emiliano

Emiliano Falcon-Morano

Pronouns: he, him, his

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From: Stelmat, Jason (POL) <jason.stelmat@state.ma.us>
Sent: Friday, May 15, 2020 10:47 AM
To: Emiliano Falcon-Morano
Cc: Kade Crockford; Jessica Lewis; Taisha Lazare
Subject: RE: ACLU Public Records Request

No, yesterday you had indicated that you wanted to limit the email search for items #1 and #2 to Clearview (Clearview AI). So I submitted a request to search for the following terms:

Clearview
Clearview AI
[@clearview.ai](#)
[@mg.clearview.ai](#)

After that, we discussed item #3 and your response below indicated that the three company names you provided were with respect to item #3.

From: Emiliano Falcon-Morano [mailto:efalcon@aclum.org]
Sent: Friday, May 15, 2020 10:31 AM
To: Stelmat, Jason (POL)
Cc: Kade Crockford; Jessica Lewis; Taisha Lazare
Subject: Re: ACLU Public Records Request

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Hi Jason,

Just to be clear. You are still going to search for those companies for #1 and #2, right?

Thanks!

Best,

Emiliano

Emiliano Falcon-Morano

Pronouns: he, him, his

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From: Stelmat, Jason (POL) <jason.stelmat@state.ma.us>

Sent: Friday, May 15, 2020 10:06 AM

To: Emiliano Falcon-Morano

Cc: Kade Crockford; Jessica Lewis; Taisha Lazare

Subject: RE: ACLU Public Records Request

Hi Emiliano,

Thank you for your reply. I submitted the search terms to EOTSS yesterday for #1 and #2. Regarding your email below, MSP does not utilize any facial recognition products from BriefCam, Clearview AI, or Idemia.

I will be in touch when the search results are provided to me.

Best,

Jason

From: Emiliano Falcon-Morano [mailto:efalcon@aclum.org]
Sent: Friday, May 15, 2020 10:01 AM
To: Stelmat, Jason (POL)

Cc: Kade Crockford; Jessica Lewis; Taisha Lazare

Subject: Re: ACLU Public Records Request

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Hi Jason,

Thank you for the email.

As to #3, we would like to limit the inquiry to these three companies:

- BriefCam
- Clearview AI
- Idemia

Thank you!

Stay safe and healthy.

Best,

Emiliano

Emiliano Falcon-Morano

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From: Stelmat, Jason (POL) <jason.stelmat@state.ma.us>

Sent: Thursday, May 14, 2020 8:17 AM

To: Emiliano Falcon-Morano

Cc: Kade Crockford; Jessica Lewis; Taisha Lazare

Subject: RE: ACLU Public Records Request

Hi Emiliano,

I will run a search for emails related to Clearview utilizing the information you provided. Just so you are aware, MSP does not use Clearview and has not used it in the past. The only facial recognition system we currently use is the one hosted by the Massachusetts RMV. I'm not sure if this changes your position with respect to your public records request but I will proceed unless I hear otherwise.

As for item #3, that may be problematic after reading it again. We do have relationships with various companies but I am not sure whether those companies manufacture or sell any facial recognition product. For instance, let's say we have a contract with a company that provides us with GIS mapping software. That same company *might* also manufacture or sell a facial recognition product. But we don't use that company for that purpose. So I would have to contact them to inquire whether they also offer a facial recognition product. That means I would have to contact each and every company we have a relationship with to ask if they also offer a facial recognition product even though we do not use any facial recognition product other than the RMV system. If you are limiting your inquiry to Clearview, I can definitively say that we don't use this facial recognition product. If you wish to inquire about any other specific companies that offer facial recognition systems, I'd be happy to put on record that we don't currently use their facial recognition products either. Otherwise, as item #3 is written, I would say that it's overly broad and providing an answer would be problematic.

Please let me know how you wish to proceed.

Thank you,
Jason

From: Emiliano Falcon-Morano [mailto:efalcon@aclum.org]
Sent: Tuesday, May 12, 2020 4:48 PM
To: Stelmat, Jason (POL)
Cc: Kade Crockford; Jessica Lewis; Taisha Lazare
Subject: Re: ACLU Public Records Request

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Jason,

Thank you for the email. I hope you are staying safe and healthy in these difficult times.

As to what you mention:

- 1.) We can start with all those emails to and from Clearview AI, or otherwise related to Clearview. We've seen that the addresses from the employees of this company usually end with @clearview.ai or @mg.clearview.ai, if this helps.
- 2.) Yes, please send me the copies for numbers 5 and 6, if that's possible.
- 3.) Do you have documents responsive to 3? Please send them also.

Thank you very much!

Best,

Emiliano

Emiliano Falcon-Morano

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