

March 21, 2019

Sent via U.S. Mail

Public Records Officer
Massachusetts State Police
470 Worcester Road
Framingham, MA 01702

Re: Public records request related to the use of facial-recognition products or services

To whom it may concern:

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 records¹ relating to face recognition capabilities available via the COPLINK system, known as Face Match.

Records requested

The ACLU requests the following records:

1. Any records containing the following information pertaining to the use of the Face Match feature in the COPLINK system:
 - a. The total number of Face Match searches or actions performed.
 - b. The total number of Face Match searches or actions performed, by user.
 - c. The total number of Face Match searches or actions performed, by user agency.
 - d. The documented reason for each Face Match search or action.
 - e. The total number of images the Face Match system is capable of accessing for search or comparison purposes.

Note that under the public records law, agencies are required to extract information from databases in response to public records requests for said information. Doing so does not constitute the creation of a new record.²

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 See “A Guide to the Massachusetts Public Records Law,” William Galvin, Secretary of the Commonwealth, Division of Public Records, January 2017, p. 9: “Information contained in a database is presumed to exist at the time of the request. **Provision of an extract of requested data does not constitute creation of a public record.** An RAO may not deny a request for data contained in such a database on the theory that extraction results in creating a new record. To do so would deny access to

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 x346 or kcrockford@aclum.org.

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

Sincerely,



Kade Crockford
Director
Technology for Liberty Program
ACLU of Massachusetts

information that does exist at the time of the request, though not in a form easily accessible by the requester” [emphasis mine].

<https://www.sec.state.ma.us/pre/prepdf/guide.pdf>