



**PUBLIC RECORDS**  
OFFICE OF THE RECORDS ACCESS OFFICER  
Martin J. Walsh, Mayor

September 30, 2019

Kade Crockford  
Director  
Technology for Liberty Program  
ACLU of Massachusetts  
[kcrockford@aclum.org](mailto:kcrockford@aclum.org)

Re: September 3, 2019 Public Records Request:

Dear Kade:

The City has received your request for public records from the Boston Public Schools (“BPS”). This response applies only to records that exist and are in the custody of the City. See *A Guide to the Massachusetts Public Records Law*, p. 32, n.115. It is expected that a custodian of records must use her superior knowledge of her records with respect to responses to public records requests. 950 CMR 32.04(5). Specifically, you stated that you seek:

- 1. Documents relating to BPS purchase, trial, testing, piloting or use of facial recognition, including but not limited to: RFPs, licensing agreements, invoices, and contracts (including non-disclosure agreements) related to any facial recognition product or service;*
- 2. All records referencing facial recognition, including but not limited to emails, text messages, memoranda, and notes;*
- 3. All records referencing or describing privacy or other concerns about the use of A facial recognition system, including but not limited to emails, text messages, memoranda, and notes;*
- 4. Any internal policy referencing or pertaining to the use of facial recognition technology or facial images;*
- 5. All communications between employees of the BPS and representatives of any private vendor or company offering or soliciting any facial recognition product or service.*
- 6. Materials relating to how any facial recognition product or service functions (or functions improperly), including but not limited to e-mails, handouts, PowerPoint presentations, advertisements, or specification documents.*

7. *Manuals, policies, procedures, and practices governing the use or monitoring of a facial recognition product or service or related information or databases. This request includes, but is not limited to:*
  - a. *Procedures for using, deleting, or retaining photos of subjects to be identified;*
  - b. *Materials identifying any sources of such photos, such as mobile devices, body cameras, surveillance videos, or identification photos.*
8. *Training materials related to any facial recognition product or service.*
9. *Records relating to any mobile application related to any facial recognition product or service.*
10. *Records relating to any public process or debate about any facial recognition product or service, including meeting agendas or minutes, public notices, analyses, or communications between the BPS and elected leaders or county or state officials, including but not limited to the Secretary of Education, members of the Board of Elementary and Secondary Education (DESE), and the Commissioner of DESE.*
11. *All contracts or MOUs with local, state, and/or federal agencies referencing or pertaining to facial recognition technology.*
12. *All audits, annual reports, and other administrative reports referencing facial recognition technology or searches. This request includes but is not limited to all records containing or pertaining to:*
  - a. *Statistics and other reports that reflect how facial recognition tests worked;*
  - b. *Statistics and other reports that reflect how frequently facial recognition is used;*
  - c. *Statistics and other reports that show the evolution of facial recognition use over time;*
  - d. *Statistics and other reports that show the number of times the BPS misidentified an individual using facial recognition.*
13. *All training materials, including but not limited to PowerPoint presentations, used to train staff in the use of facial recognition tools or capabilities.*
14. *Any document containing any BPS legal analysis or justification for use of face recognition technology.*

Records responsive to your request are located in a Google Drive folder, which may be accessed [here](#).

### **Conclusion**

You may appeal this response to the Supervisor of Records in the Office of the Secretary of the Commonwealth. G.L. c. 66, § 10A (c); G.L. c. 66, § 10(b)(ix); 950 CMR 32.08; 950 CMR 32.08(1)(h) (in petitioning the Supervisor, the requester shall provide a copy of such petition to the records access officer associated with such petition). You may also appeal to the Superior Court. 950 CMR 32.06(3)(c).

Very truly yours,

A handwritten signature in blue ink that reads "Shawn Williams". The signature is written in a cursive style with a large initial "S".

Shawn A. Williams, Esq.  
Director of Public Records