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The Commonwealth of Massachusetts

Department of State Police

Office of the Chief Legal Counsel

470 Worcester Road

Framingham, Massachusetts 01702

October 9, 2018

Ms. Kade Crockford
Director, Technology for Liberty Program
ACLU of Massachusetts
211 Congress Street
Boston, MA 02110

RE: PUBLIC RECORDS REQUEST

Dear Ms. Crockford:

The Massachusetts Department of State Police ("Department") has received your request for records relating to "the Massachusetts State Police's plans for, acquisition of, and/or use of facial-recognition technology." As an initial matter, please be advised that the Department has no documents responsive to requests #7 or 8.

As you are aware, pursuant to our recent conversations, requests #1 and #2 resulted in an email search being conducted by The Executive Office of Technology Services and Security (EOTSS). After the scope of your initial search was narrowed, a total of 8,965 potentially responsive emails we produced. Prior to producing these emails, the Department will be required to review and redact exempt or otherwise privileged information from each communication. Given the volume of responsive records requiring review, the Department will need to assess a good faith estimate for the cost of production. Given the nature of the records at issue, we will undoubtedly be required to redact information not subject to disclosure by law, and are therefore entitled to impose a fee for the compilation, review, and segregation of the records. It is anticipated that the majority of these emails would be exempt pursuant to G.L. c 4, sec. 7, cl 26(f) (investigative exemption).

The cost estimate contemplates that each email will require an average of 3 minutes to review. Some emails are anticipated to be brief, but others will be lengthy and/or include attachments similarly requiring review. With 8,965 emails, this amounts to 448.25 hours required for review. At a rate of \$25/hour, and waiving the cost associated with the production of this estimate and for the first four hours of anticipated labor, the total estimate for the cost of production is \$11,106.25. I have submitted a fee assessment petition (attached) with the Supervisor of Public Records accordingly. If you would like to move forward with this portion

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of your request, please send a check or money order for \$11,106.25, payable to the Commonwealth of Massachusetts, to my attention at:

Commonwealth Fusion Center
124 Acton Street
Maynard, MA 01754

With respect to request #3, records related to this portion of your request may be found by submitting a public records request directly to the Executive Office of Public Safety and Security.¹ Such request can be submitted online by visiting <http://www.mass.gov/eopss/public-records-requests-.html>.

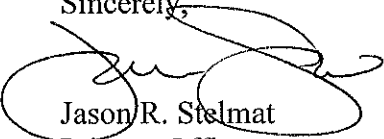
Regarding requests #4 and 6, the Department has identified three PowerPoint presentations as responsive. Please note that certain portions of these documents have been redacted pursuant to G.L. c 4, sec. 7, cl 26(f) (investigative exemption) and (n)(policies and procedures related to the security and safety of persons). These portions of the PowerPoint pertain to investigative techniques and contain personally identifiable information of certain individuals and are therefore exempt from public disclosure.

Lastly, with respect to request #5, please find a copy of Superintendent's Memo #08-SM-07 entitled "Revised Access to Facial Recognition System along with SP Form 627 entitled "Facial Recognition Request Form."² Both documents have redacted portions pursuant to G.L. c 4, sec. 7, cl 26(f). The Department is not in possession of any additional responsive documents with respect to request #5.

If you wish to challenge any aspect of this response, you may appeal to the Supervisor of Public Records following the procedure set forth in 950 C.M.R. 32.08, a copy of which is available at <http://www.mass.gov/courts/case-legal-res/law-lib/laws-by-source/cmr/>. You may also file a civil action in accordance with M.G.L. c. 66, § 10A.

Your attention to this matter is greatly appreciated.

Sincerely,



Jason R. Stelmat
Privacy Officer
Commonwealth Fusion Center
(978) 451-3752

¹ In response to a prior request, the Department provided you with an MOU between the State Police and the Registry of Motor Vehicles related to facial recognition. That document is not responsive to this request as it was created prior to January 1, 2016.

² These documents were provided to the ACLU in response to a prior public records request and is being provided again to maintain uniform procedure.