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The Commonwealth of Massachusetts

Department of State Police

Office of the Chief Legal Counsel

470 Worcester Road

Framingham, Massachusetts 01702

September 2, 2019

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 payment of \$150.00 in response to the Department's cost estimate for providing "Emails regarding 'facial recognition' with the name 'Deborah Rebeiro' in the 'to' or 'from' field." It should be noted that, by request, such emails were located from a larger group of 8,965 emails produced by a search conducted by the Executive Office of Technology Services and Security (EOTSS) pursuant to your original request dated July 17, 2018. On February 12, 2019, through email correspondence, the Department was provided with a modified request as noted above which substantially narrowed the number of responsive documents.

After a careful review of the emails, it was discovered that a number of them were duplicates as a result of email replying and forwarding between Department members. To avoid confusion, the earliest dated emails within the specific chains were removed from the results which ensured that only the final email in the chain would remain without losing any text or corresponding attachments. Also, while specific keywords were utilized by EOTSS in conducting the initial search, some of the emails produced were not in any way related to facial recognition and were therefore not responsive to your request.

Additionally, please note that the Department's primary use of facial recognition technology is for case investigations, both internally and in conjunction with other law enforcement agencies. Therefore, the majority of the emails and attachments contain references to pending investigations, active cases, CORI information, investigative materials, security information and personal contact information of state employees and is therefore subject to exemption under M.G.L. c. 4, section 7, clauses 26(a) (materials specifically exempted from disclosure by statute), (b) (internal rules and practices of the government unit), (f) (investigative exemption), and (n) (policies and procedures related to the security and safety of persons) as well as M.G.L. c. 6, § 172 and M.G.L. c. 66, section 10B.

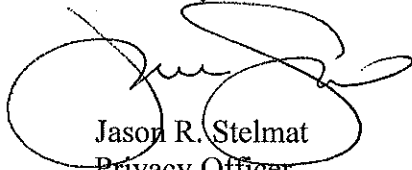
Excellence In Service Through Quality Policing

Ms. Kade Crockford
September 2, 2019

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,

A handwritten signature in black ink, appearing to read "Jason R. Stelmat", is written over a circular stamp or seal.

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