ACLU
AMERICAN CIVIL LIBERTIES UNION FOUNDATION
Massachusetts

November 5, 2019

Via Email

Primary Records Access Officer
Massachusetts State Police
470 Worcester Road
Framingham, MA 01702
msp.rao@state.ma.us

Re: Public records request related to State Police use of RMV's facial recognition technology

Dear Records Access Officer,

This is a request under the Public Records Law, G.L. c. 66, § 10, on behalf of the American Civil Liberties Union of Massachusetts ("ACLUM"). ACLUM seeks records relating to the use of facial recognition[1] technology by Massachusetts State Police ("MSP").

The ACLU seeks records[2] related to the MSP's use of the Registry of Motor Vehicles (RMV) state identification database and facial recognition technology. We understand from government records and public statements that the MSP has access to the RMV's facial recognition system in at least two ways: 1.) At the RMV itself, through the MSP's Fraud Identification Unit; and 2.) At the Commonwealth Watch Center, a State Police intelligence and information sharing office. Through a public records lawsuit against the RMV, the ACLUM has obtained a log of facial recognition searches performed by the RMV and employees of the State Police assigned to the RMV on behalf of state, local, and federal law enforcement agencies. But we do not know how many times, or for what reasons, the MSP has used its access to the RMV facial recognition system to perform searches from the Commonwealth Watch Center.

Please send us the following records:

1. Any record documenting each time any government employee at the Commowealth Watch Center searched the RMV's image database using facial recognition technology,

[1] In this letter, "**facial recognition**" means the automated or semi-automated process by which a person is identified or attempted to be identified based on the characteristics of his or her face.
[2] 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.

including if available the name and title of the person requesting each search, and the reason for each search;

2. Any record documenting requests to the Commonwealth Watch Center to perform a facial recognition search using the RMV's system that government employees at the Commonwealth Watch Center denied or refused to perform, including if available the reason for the decision not to perform the search; and
3. Any record pertaining to the results of any audit or other investigation into the use of facial recognition by the MSP, including but not limited to information pertaining to whether any MSP employee with access to any facial recognition system has misused or abused the system for personal, political, or other impermissible reasons.

Because this request involves a matter of public concern and is made on behalf of a nonprofit organization, we ask that you waive any fees. ACLUM 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 prefer the documents in electronic format.

If you believe that some portion of the documents requested are exempt from disclosure or require redaction, 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 x402 or efalcon@aclum.org.

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

Sincerely,

Emiliano Falcon
Policy Counsel
Technology for Liberty Program
ACLU of Massachusetts