



April 24, 2019

Sent via email to MassDOT.RAO@state.ma.us

William J. Doyle
Record Access Officer
Massachusetts Department of Transportation
Commonwealth of Massachusetts

Re: Public records request related to the sharing of information by the Massachusetts Department of Transportation

Dear Mr. Doyle:

On February 20, 2019, the American Civil Liberties Union Foundation of Massachusetts (“ACLU”) submitted a public records request to your office, requesting documents relating to the Massachusetts Department of Transportation’s (“MassDOT”) use of facial recognition technology. To date, we have not received a response. We ask that you promptly provide the requested records, which are now well-past the statutory deadline for compliance.

In addition, today we file this related request under the Massachusetts Public Records Law, G.L. c. 66 § 10. Specifically ACLU seeks records¹ pertaining to the sharing of information between the MassDOT’s divisions and departments, including but not limited to the Registry of Motor Vehicles (“RMV”), and other state and local agencies, federal agencies, and private actors. In particular, we are requesting records that show how the MassDOT shares driver’s licenses and other RMV-issued identification cards photos and pictures (“ID pictures”), gives access to the databases where ID pictures are stored, or otherwise makes ID pictures available. We also seek records pertaining to requests for access to the ID pictures, in cases where the requests were denied.

Records requested

The ACLU requests all such records created on or after January 1, 2016, including but not limited to:

1. All memoranda of understanding, memoranda of agreement, agreements for services, non-disclosure agreements and/or any other type of agreement (collectively referred as “agreements”) by which the MassDOT and its agents share ID pictures, give access to the databases where ID pictures are stored, or otherwise make ID pictures available. This request includes agreements with state agencies, local agencies, federal agencies, private actors or companies;

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.



Massachusetts

2. Manuals, policies, procedures, and practices governing the sharing of ID pictures with, or granting access to the databases where ID pictures are stored to, other state agencies, local agencies, federal agencies, private actors or companies;
3. Records showing the state agencies, local agencies, federal agencies, private actors or companies that requested the sharing of ID pictures or access to databases where ID pictures are stored, and how many times they each made such requests;
4. Records showing how many times the MassDOT shared ID pictures with, or gave access to the databases where ID pictures are stored to, other state agencies, local agencies, federal agencies, private actors or companies;
5. Records showing how many times the MassDOT did not share ID pictures with, or denied access to the databases where ID pictures are stored to, other state agencies, local agencies, federal agencies, private actors or companies;

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 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