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The Commonwealth of Massachusetts

Department of State Police

Office of the Chief Legal Counsel

470 Worcester Road

Framingham, Massachusetts 01702

June 8, 2017

Ms. Kade Crockford
Director, Technology for Liberty Project
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 regarding "the use of facial recognition technology at the Massachusetts State Police and its fusion center." As an initial matter, please be advised that the Department has no documents responsive to requests #1, 2, or 5.

In response to request #3, the Department has identified certain records as responsive including a PowerPoint presentation as well as a training roster. Please note that certain portions of the PowerPoint 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. Additionally, certain portions of the training roster have been redacted pursuant to G.L. c 4, sec. 7, cl 26(c) as it contains data of specifically named individuals, the disclosure of which would constitute an unwarranted invasion of personal privacy.

With respect to "reminder emails" delineated in #3, the Department categorizes emails by username rather than by subject matter. Therefore, we would have to research more than three-thousand email accounts to identify whether any responsive records exist.

The regulations promulgated by the Supervisor of Records require that "requests for public records shall include a reasonable description of the requested record to the records access officer so that he or she can identify and locate it promptly." 950 C.M.R.

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32.06(1)(b). This is consistent with the public records law at M.G.L. c. 66, § 10(a).

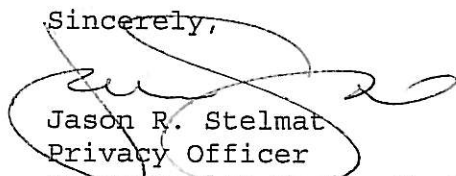
The description set forth in request #3 is not sufficiently detailed so as to allow us to identify and locate the email records sought. If you are able to describe your request with more specificity (i.e. by specific individual), we could potentially identify responsive materials.

With respect to request #4, the Department has identified an MOU as responsive to your request.¹ Please note that Sections C & D (page 3), Section G, Paragraph 4 (page 5), and Section H (pages 5 & 6) 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 MOU pertain to investigative techniques and are therefore exempt from public disclosure because disclosure would be prejudicial to effective law enforcement. Additional records related to this portion of your request may also be found by submitting a public records request directly to the Executive Office of Public Safety and Security. Such request can be submitted online by visiting <http://www.mass.gov/eopss/public-records-requests-.html>.

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

¹This document was provided to the ACLU in response to a prior public records request and is being provided again to maintain uniform procedure.