PUBLIC RECORDS

OFFICE OF THE RECORDS ACCESS OFFICER

Martin J. Walsh, Mayor

September 19, 2018

Kade Crockford
Director
Technology for Liberty Program
ACLU of Massachusetts
kcrockford@aclum.org

Re: July 16, 2018 Public Records Request

Dear Kade:

On July 23, 2018 City of Boston (City) and Boston Police Department (Department) received your request for public records. This response applies only to records that exist and are in the custody of the City and the Department. See *A Guide to the Massachusetts Public Records Law*, p. 32, n.115. It is expected that a custodian of records must use her superior knowledge of her records with respect to responses to public records requests. 950 CMR 32.04(5). Specifically, you stated:

> *This is a request under the Massachusetts Public Records Law, G.L. c. 66, § 10, made on behalf of the American Civil Liberties Union Foundation of Massachusetts ("ACLU").*
>
> *The ACLU seeks records relating to the Boston Police Department's plans for, acquisition of, and/or use of facial-recognition technology, including but not limited to products and services like Amazon Rekognition, Microsoft Face API, or NBC NeoFace.*
>
> ***Records requested***
>
> *The ACLU requests all such records created on or after January 1, 2016, including but not limited to:*
>
> 1. *Communications between any representative of the Boston Police Department and any representative of any vendor offering any facial-recognition product or service.*

Response: The Department does not utilize or plan to utilize facial recognition software. No search was conducted related to this portion of your request, as it is likely there are no records responsive to this request; however, it is possible that vendors have contacted the Department to promote such services.

> 2. *Internal communications between representatives or employees of the Boston Police Department relating to any facial-recognition product or service.*

Response: The Department does not utilize or plan to utilize facial recognition software. No search was conducted related to this portion of your request, as it is likely there are no records responsive to this request; however, it is possible that vendors have contacted the Department to promote such services.

3. *Documents relating to the Boston Police Department's purchasing or use of facial recognition, including but not limited to: purchase orders, RFPs, licensing agreements, invoices, and contracts (including non-disclosure agreements) related to any facial-recognition product or service.*

Response: There are no records responsive to this request.

4. *Materials relating to how any facial-recognition product or service functions (or functions improperly), including e-mails, handouts, PowerPoint presentations, advertisements, or specification documents.*

Response: There are no records responsive to this request.

5. *Manuals, policies, procedures, and practices governing the use or monitoring of a facial-recognition product or service or related information or databases. This request includes, but is not limited to: a. Procedures for using, deleting, or retaining photos of subjects to be identified; b. Materials identifying any sources of such photos, such as mobile devices, body cameras, surveillance videos, identification photos, or arrest photos; c. Policies or procedures relating to the legal standard, if any, (e.g., probable cause, court order, relevance, consent) that is required before using any facial-recognition product or service. d. Procedures the agency follows after a positive match, such as requiring independent or in-person verification; e. Permitted uses of the information created from a positive match.*

Response: There are no records responsive to this request.

6. *Training materials related to any facial-recognition product or service by employees of tile Boston Police Department.*

Response: There are no records responsive to this request.

7. *Records relating to any mobile application related to any facial-recognition product or service.*

Response: There are no records responsive to this request.

8. *Records relating to any public process or debate about any facial-recognition product or service, including meeting agendas or minutes, public notice, analyses, or communications between the Boston Police Department and elected leaders or county officials.*

Response: There are no records responsive to this request.

You may appeal this response to the Supervisor of Records in the Office of the Secretary of the Commonwealth. G. L. c. 66, § 10A (c); G. L. c. 66, § 10(b)(ix); 950 CMR 32.08; 950 CMR 32.08(1)(h) (in petitioning the Supervisor, the requester shall provide a copy of such petition to the records access officer associated with such petition). You may also appeal to the Superior Court. 950 CMR 32.06(3)(c).

Very truly yours,

Shawn A. Williams, Esq.
Director of Public Records
Records Access Officer