

EXHIBIT C

Subject: FW: CROCKFORD, KADE #R000790-032619 RESPONSE
Attachments: CROCKFORD, KADE #R000790-032619 RESPONSE WITH ATTACHMENTS.pdf;
SPR19-0614 RESPONSE TO SOC [CROCKFORD, KADE #R000790-032619].pdf
Importance: High

From: Stone, Andrea <astone@springfieldcityhall.com>
Sent: Tuesday, March 26, 2019 1:58 PM
To: Kade Crockford
Subject: CROCKFORD, KADE #R000790-032619 RESPONSE

The City's response to your public records request is attached.

Should you be aggrieved by this response, you may appeal to the Supervisor of Public Records in the Massachusetts Secretary of State's Office pursuant to 950 CMR 32.00 and G.L.c. 66, §10(b).

Andrea L. Stone
Public Records Coordinator
City of Springfield, City Clerk's Office
36 Court Street, Room 123
Springfield, MA 01103

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Anthony I. Wilson, Esq.

City Clerk

City of Springfield
Office of the City Clerk
36 Court Street
Springfield, MA 01103
Direct Dial: (413) 736-3111
Fax: (413) 787-6502
Email: awilson@springfieldcityhall.com



THE CITY OF SPRINGFIELD, MASSACHUSETTS

March 26, 2019

VIA EMAIL: pre@sec.state.ma.us

Rebecca S. Murray, Esq.
Supervisor of Public Records
Division of Public Records
Office of the Secretary of the Commonwealth
One Ashburton Place, Room 1719
Boston, MA 02108

Re: SPR19-0614

Dear Attorney Murray:

The City's response to petition #SPR19-0614 is attached.

Please contact either myself at the above number, or the Public Records Coordinator, Andrea L. Stone, at astone@springfieldcityhall.com with any questions.

Sincerely,

A handwritten signature in blue ink that reads 'Anthony I. Wilson' with a circled 'AW' monogram to the right.

Anthony I. Wilson, Esq.
City Clerk
Records Access Officer

AIW:als

Cc: Kade Crockford, Esq.
ACLU of Massachusetts

Enclosure

Anthony I. Wilson, Esq.

City Clerk

City of Springfield
Office of the City Clerk
36 Court Street
Springfield, MA 01103
Office: (413) 736-3111
Fax: (413) 787-6502
Email: awilson@springfieldcityhall.com



THE CITY OF SPRINGFIELD, MASSACHUSETTS

March 26, 2019

Kade Crockford, Esq.
ACLU of Massachusetts
Boston, MA

RE: Public Records Request #R000790-032619

Dear Attorney Crockford:

This letter is in response to your public records request to the City of Springfield for: Records related to the Springfield Police Department's use of facial recognition products or services. See attached March 7, 2019 letter to Springfield Police Department and March 25, 2019 letter to Supervisor of Public Records Rebecca S. Murray, Esq., from the ACLU of Massachusetts.

Personnel in the Police Department have advised that there are no records that are responsive to your request. The Springfield Police Department does not use facial recognition software, products or services.

Future public records requests for all departments of the City of Springfield, Massachusetts, including the Police Department should be submitted to:

<https://springfieldma.mycusthelp.com/WEBAPP/>

Or the City's website **<https://www.springfield-ma.gov/cos/>** info & answers/ Public Records.

Should you be aggrieved by this response, you may appeal to the Supervisor of Public Records in the Massachusetts Secretary of State's Office pursuant to 950 CMR 32.00 and G.L.c. 66, §10(b).

Please contact either myself at the above number, or the Public Records Coordinator, Andrea L. Stone, with any questions. Please reference public records request #R000790-032619 in all correspondence related to this request.

Sincerely,

A handwritten signature in blue ink that reads "Anthony I. Wilson". To the right of the signature, the initials "AIW" are circled in blue ink.

Anthony I. Wilson, Esq.
City Clerk

AIW:als

Cc: Rebecca S. Murray, Esq.
SOC Public Records Division



AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Massachusetts

RECEIVED

2019 MAR 26 12:29

CITY CLERK'S OFFICE
SPRINGFIELD, MA
March 25, 2019

Sent via email

Supervisor of Public Records
Public Records Division
McCormack Building
One Ashburton Place, Room 1719
Boston, MA 02108

To Whom It May Concern:

This is an appeal under the Public Records Law, G.L. c. 66, §10A, made on behalf of the American Civil Liberties Union Foundation of Massachusetts ("ACLU").

On March 7, 2019, I submitted a public records request on behalf of the ACLU (attached as Exhibit A) to the Springfield Police Department asking for the following records:

1. Communications between any representative of the Springfield Police Department and any representative of any vendor offering any facial-recognition product or service.
2. Internal communications between representatives or employees of the Springfield Police Department relating to any facial-recognition product or service.
3. Documents relating to the Springfield 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.
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.
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.



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SPRINGFIELD, MA

6. Training materials related to any facial-recognition product or service by employees of the Springfield Police Department.
7. Records relating to any mobile application related to any facial-recognition product or service.
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 Springfield Police Department and elected leaders or county officials.

Massachusetts General Laws establish that “[a] custodian of a public record shall, within ten days following receipt of a request for inspection or copy of a public record, comply with such request.” G.L. c. 66, §10(b). In turn, Chapter 66, Section 10A establishes that “[i]f an agency or municipality fails to comply with a requirement of section 10 or issues a response the requestor believes in violation of section 10, the person who submitted the initial request for public records may petition the supervisor of records for a determination as to whether a violation has occurred.” After this appeal is filed, “[t]he supervisor of records shall issue a written determination regarding any petition submitted (...) not later than 10 business days following receipt of the petition by the supervisor of records.” Finally, “[u]pon a determination by the supervisor of records that a violation has occurred the supervisor of records shall order timely and appropriate relief.”

In the instant case, the Springfield Police Department did not comply with my request. I never received any written response to my request. I therefore respectfully request your office to find that there was a violation of the applicable law and so direct the Springfield Police Department to follow the law and respond to my request.

If you have any questions with respect to this appeal, you can contact me at (617) 482-3170 x346 or kcrockford@aclum.org.

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

Sincerely,

Kade Crockford



EXHIBIT A

RECEIVED

2019 MAR 26 12:28

CITY CLERK'S OFFICE
SPRINGFIELD, MA March 7, 2019

Sent via U.S. Mail

Public Records Officer
Springfield Police Department
130 Pearl Street
Springfield, MA 01105

Re: Public records request related to the use of facial-recognition products or services

To whom it may concern:

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 records¹ relating to the Springfield Police Department's plans for, acquisition of, and/or use of facial-recognition² technology, including but not limited to products and services like Amazon Rekognition, Microsoft Face API, or NEC 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 Springfield Police Department and any representative of any vendor offering any facial-recognition product or service.
2. Internal communications between representatives or employees of the Springfield Police Department relating to any facial-recognition product or service.
3. Documents relating to the Springfield 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.

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.

² 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.



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CITY CLERK'S OFFICE
SPRINGFIELD, MA

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.
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.
6. Training materials related to any facial-recognition product or service by employees of the Springfield Police Department.
7. Records relating to any mobile application related to any facial-recognition product or service.
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 Springfield Police Department and elected leaders or county officials.

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.

ACLU
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
Massachusetts

RECEIVED

2019 MAR 26 12:28

CITY CLERK'S OFFICE
SPRINGFIELD, MA

If you have questions about this request, please contact me at (617) 482-3170 x346 or 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

Date

On 3/26/2019 12:12:23 PM, System Generated Message:

Subject: Public Records Request :: R000790-032619

Body:



Dear Kade Crockford, Esq.:

The City of Springfield is in receipt of your public records request.

Your request has been forwarded to the appropriate department[s] and a response will be sent to you as soon as we have obtained and reviewed any document[s] that may be responsive to your request. Your request was received in this office on 3/26/2019 and given the reference number R000790-032619 for tracking purposes.

Pursuant to M.G.L. .c. 66, § 10(b) the City has ten [10] business days to respond to your request.

Should you be aggrieved by this response, you may appeal to the Supervisor of Public Records in the Massachusetts Secretary of State's Office pursuant to 950 CMR 32.00 and M.G.L. c. 66, § 10(b).

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Thank you for using the Public Records Center.

The City of Springfield

To monitor the progress or update this request please log into the [Public Records Center](#)



On 3/26/2019 12:12:22 PM, Andrea Stone wrote:

Request was created by staff

Request Details

Reference No: R000790-032619
Created By: Andrea Stone
Create Date: 3/26/2019 12:12 PM
Update Date: 3/26/2019 12:21 PM
Completed/Closed: No
Required Completion Date: 4/9/2019

Status: Received
Priority: Low
Assigned Dept: City Clerk
Assigned Staff: Andrea Stone

Customer Name: Kade Crockford, Esq.

GovQA - SPRINGFIELDMA - Andrea Stone

Email Address: kcrockford@aclum.org

Phone: 6177823170346

Group: (Not Specified)

Source: Letter