

May 8, 2024

Records Access Officer

Re: Public Records Request Related to the Surveillance of Students and the Use of Surveillance Technology to Monitor Students' Protests

Dear Records Access Officer,

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 (“ACLUM”). We seek records pertaining to the surveillance¹ of students and the use of surveillance technology to monitor student conduct, or compliance with laws or the school code of conduct or similar rules, in connection with protests, demonstrations, vigils, or other associational and speech activities by your institution. We also seek records pertaining to the enactment of discipline measures based in whole or in part on information derived from the mentioned surveillance.

ACLUM requests the following records created on or after October 1, 2023:

- a) Policies and procedures governing when officers and administrators conduct surveillance or monitor students and their activities, including protests, demonstrations, and vigils, how information is collected and reported, and how the institution stores and shares any records or information from this surveillance.
- b) Policies, procedures, or guidelines regarding:
 - a. assemblies, demonstrations, vigils, or protests on campus;
 - b. official responses to conduct at an assembly, demonstration, vigil, or protest that is deemed unlawful, disruptive, violent, or unruly;
 - c. the type and extent of information that may be collected about people taking part in an assembly, demonstration, vigil, or protest on campus;
 - d. the use of surveillance cameras or facial recognition technology on campus.
- c) Any advisories, FAQs, or bulletins by your institution to any student, employee, agent, or government official about assemblies, demonstrations, vigils, or protests.
- d) Any documents referencing instances when a person on campus was detained, arrested, or sanctioned for participating in or taking part in an assembly, demonstration, vigil, or protest.
- e) Records describing and/or memorializing the surveillance of students, i.e., information collected pursuant to any of the policies mentioned in (a). This includes but is not limited to forms, spreadsheets, images, videos, and field reports (records for collecting information).

¹ For the purpose of this request, “surveillance” means the monitoring and recording of the behavior, movements, and activities of individuals or groups of individuals for the purpose of information gathering, intelligence, analysis, controlling, influencing, or directing.

- f) All training materials, rules, regulations, policies, and/or procedures relied upon by officers and administrators when determining whether to conduct surveillance, initiate, monitor, conduct, and/or document students and their activities.
- g) Any agreements or contracts with third-party entities that provide surveillance technology, intelligence gathering, or other services that have been used to monitor student protests, demonstrations, vigils, or other associational or speech activities. This should include any financial documents related to these services.
- h) Records pertaining to the use of the surveillance technologies mentioned in (d), including but not limited to manuals, training materials, and surveillance data.
- i) Correspondence, including emails and written communications involving officers and administrators regarding the strategies, planning, and responses to and surveillance of student protests, vigils, or demonstrations. This includes communications with external law enforcement agencies.
- j) All documents referencing student protests, demonstrations, vigils, or other associational or speech activities received from and/or referencing external law enforcement and intelligence agencies, to include local police departments, State Police, the Commonwealth Fusion Center, the Boston Police, the Boston Regional Intelligence Center, and the Federal Bureau of Investigation.
- k) Meeting minutes and reports from your institution security committees and other bodies that discuss or make decisions related to the surveillance and monitoring of student activities and protests.
- l) Any audits, evaluations, or reports assessing the effectiveness, legality, or ethical implications of surveillance practices used against students by your institution.
- m) Records reflecting the outcomes of the surveillance of students, including any disciplinary actions taken based on whole or in part on information obtained through using surveillance. Please note that we do not request personal information pertaining to disciplined students but rather seek records documenting how information derived from surveillance technologies and intelligence gathering has been used to discipline students. Please redact student names and identifying information if necessary to comply with state and federal law.
- n) Records of any complaints filed by students or faculty regarding surveillance practices and the university's responses to such complaints.
- o) Records pertaining to the sharing of surveillance data with third parties, including but not limited to law enforcement agencies.

Please note that ACLUM does not request personally identifiable information or personal data about students or other members of the educational community. Instead, we are requesting public records containing information pertaining to how your institution conducts surveillance on its students.

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, ACLUM 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 determining which portions to copy. We prefer the records in electronic format.

ACLUM does not request any personally identifiable information pertaining to non-government employees. If you believe that some other portion of the documents requested are exempt from disclosure or require redaction, please note the applicable statutory exemption and explain why it applies to the redacted portions. In addition, please release any reasonably segregable, non-exempt portions. As you know, a custodian of public records shall comply with a request within ten days after receipt.

Finally, please remember that a request that requires the extraction of categories of information from an existing database does not impose burdens on public record holders that exceed what is required under the public records law.

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-Morano
Policy Counsel
Technology for Liberty Program
ACLU of Massachusetts