

1 **MOTION 2019-13:**
2 **A MOTION OF THE PORT OF SEATTLE COMMISSION**
3

4 adopting guiding principles for the public-facing use of
5 biometric technology at Port of Seattle maritime and
6 aviation facilities; establishing a working group to
7 develop policy recommendations governing public-
8 facing biometric use at the port; and establishing
9 deadlines for further actions.

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11 **PROPOSED**
12 **DECEMBER 10, 2019**

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14 **INTRODUCTION**

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16 Biometrics is the measurement and analysis of physical and behavioral characteristics that are
17 used to identify individuals through technology. An example of a physical characteristic includes
18 the unique features of an individual’s face or their fingerprint. An example of a behavioral
19 characteristic includes an individual’s voice, signature, or how they walk.

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21 The Port of Seattle has long used various forms of biometrics at its aviation and maritime
22 facilities – for access control and verification of employee, contractor, vendor, consultant
23 identity. However, biometric technology – particularly facial recognition – is increasingly being
24 deployed on the customer-facing side of airport and cruise operations, as both an identity
25 validation as well as a customer facilitation tool to speed up check-in, boarding and screening
26 processes.

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28 As with any developing technology, public sector leaders have an obligation to ensure
29 appropriate and responsible use of not only the technology itself, but the related data that is
30 generated. The port commission believes proper biometric policy should balance operational
31 needs, business priorities and regulatory mandates with protections for the interests and rights
32 of passengers, employees and other visitors to our facilities.

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34 **TEXT OF THE MOTION**

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36 *Port of Seattle Principles for Public-Facing Biometric Technology*

37 The Commission hereby adopts the following principles to guide the use of public-facing
38 biometric technology at Port of Seattle facilities:

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40 1) **Justified:** Biometric technology at port facilities should be used only for a clear intended
41 purpose that furthers a specific operational need. The port does not condone biometrics

42 for “mass surveillance” – for example, use of facial recognition on large groups of people
43 without a lawful purpose, rather than single-use for travelers.
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- 45 2) **Voluntary:** The use of biometrics to identify and validate travelers through port facilities
46 should be voluntary, and reasonable alternatives should be provided for those who do
47 not wish to participate – through a convenient “opt-in” or “opt-out” process, except in
48 specific situations authorized by the port or required by federal law such as U.S.
49 Customs and Border Protection’s (CBP) entry and exit requirements for non-U.S.
50 citizens. Unintended capture of data by biometric technology from those travelers
51 opting out of such biometric data collection, or of any non-travelers or other visitors at
52 the airport, should be prevented; any unintended capture of this data should not be
53 stored.
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- 55 3) **Private:** Data collected by biometric technology at port facilities or by port employees
56 from travelers through port facilities should be stored only if needed, for no longer than
57 required by applicable law or regulations, and should be protected against unauthorized
58 access. The port opposes this data being knowingly sold or used for commercial
59 purposes unrelated to processing travelers at port facilities without their clear and
60 informed consent.
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- 62 4) **Equitable:** The port opposes discrimination or systemic bias based on religion, age,
63 gender, race or other demographic identifiers. Biometric technology used at port
64 facilities or by port employees should be reasonably accurate in identifying people of all
65 backgrounds, and systems should be in place to treat mismatching issues with proper
66 cultural sensitivity and discretion.
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- 68 5) **Transparent:** Use of biometric technology for passenger processing at port facilities
69 should be communicated to visitors and travelers. Individuals should be notified about
70 any collection of their biometric data to facilitate travel at port facilities, and how that
71 data may be used, in easily understood terms. Reports on the performance and
72 effectiveness of the technology should also be made public to ensure accountability.
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- 74 6) **Lawful:** Use of biometric technology and/or access to associated biometric data
75 collected should comply with all laws, including privacy laws and laws prohibiting
76 discrimination or illegal search against individuals or groups.
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- 78 7) **Ethical:** The port and its partners should act ethically when deploying biometric
79 technology or handling biometric data. Ethical behavior means actions which respect
80 key moral principles that include honesty, fairness, equality, dignity, diversity and
81 individual rights. In particular, use of biometrics at port facilities should comply with
82 Resolution No. 3747, establishing the port’s Welcoming Port Policy Directive to increase
83 engagement with, and support for, immigrant and refugee communities.
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85 These principles will apply until a more comprehensive policy is put in place, through the
86 working group process laid out below.

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88 *Implementation of Biometric Principles for Maritime and Aviation Use*

89 Port leadership will implement an approval process for any proposals for new or expanded use
90 of public-facing biometric technology to ensure alignment with these principles. Any proposal
91 for new or expanded use of public-facing biometric technology will be communicated in
92 advance directly to the port commission and through the port's external communications
93 channels. The use of public-facing biometric technology at port facilities is subject at all times to
94 the port's requirements, which may be revised and changed following implementation of port
95 policies through the working group process described below. Upon implementation, the Port's
96 biometric policies should be incorporated into commitments or agreements governing the use
97 of biometric technology at Port facilities.

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99 Because the port does not have jurisdiction over the use of biometrics by the federal
100 government at our facilities, the port will communicate these principles to CBP and other
101 federal partners such as the U.S. Transportation Security Administration (TSA) and U.S. Coast
102 Guard. We will not only notify them of our desired standards, but also work with these agencies
103 and Congress to ensure that federal programs in place at port facilities are aligned as closely as
104 possible with port policy regarding utilization of public-facing biometric technology.

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106 Through this motion, a port working group is established to develop further recommendations
107 governing port policy related to use of public-facing biometric technology, which shall be
108 submitted to the commission by the end of the 2nd quarter of 2020. Issues to be addressed by
109 this working group include:

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- 111 • the strategic use and objectives of biometrics;
- 112 • procurement;
- 113 • transparency and accountability for biometric implementation;
- 114 • auditing of this technology to ensure compliance and accuracy, and auditing prior to
115 approval of expansion of technology;
- 116 • commitments or agreements with airlines, cruise operators, and other Port tenants and
117 users;
- 118 • handling biometric data collected and stored from the technology;
- 119 • protection of personally identifying information;
- 120 • data security protocols and protection from unlawful or unauthorized access;
- 121 • alignment with the port's Welcoming Port Policy;
- 122 • state and federal policy priorities;
- 123 • outreach and public awareness strategy to prepare travelers and community members;
- 124 • and any other relevant topics that arise.

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126 In addition, the working group should develop a comprehensive list of known public-facing
127 biometric implementation being planned at port facilities over the next five years.

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The working group will include, but not be limited to, representatives from the following port departments: Aviation Security; Aviation Operations; Airport Innovation; Maritime Security; Maritime Operations; Commission Office; Office of Equity, Diversity & Inclusion; Information and Communications Technology; Information Security; Government Relations; Legal; and Police. The working group shall also seek input from maritime and aviation industry partners and other stakeholders. The policy recommendations shall be delivered to Commission by the end of the 2nd quarter of 2020, and the Commission may create an ad hoc, limited term Commission Committee to oversee these efforts.

STATEMENT IN SUPPORT OF THE MOTION

Due to technological advances, perceived customer benefits and federal requirements, there will be a significant increase in public-facing facial recognition technology deployment by public and private sector users over the next few years, including in airport and seaport settings that will impact travelers and other visitors to our facilities. In advance of this expansion, the port commission believes that it has an obligation to institute proper policy frameworks and clear guidelines to reduce potential misuse and abuse, while improving public understanding of the benefits and risks. Specifically, the port must ensure individual privacy, civil liberties, and equity, and that biometric technology and use of the associated data is aligned with state and federal laws intended to protect those rights.

Biometrics are used in various forms at the port’s aviation and maritime facilities:

- Across the port, port-issued identification cards currently utilize fingerprint biometrics to access secure or restricted areas or to permit authorized personnel access to port facilities outside of normal business hours or in locations where there is no other monitoring of access. In addition, many port employees are issued iPhones with fingerprint and facial recognition as an alternative to password protection, and facial recognition is also used on Microsoft Windows 10.
- At Seattle-Tacoma International Airport (Sea-Tac), airport employees are required to scan their fingerprint at many secure doors throughout the facility. Sea-Tac also offers travelers the option of using CLEAR to validate the identity of a traveler as they process through TSA checkpoints using biometric technology instead of using traditional identification and validation methods.
- On the maritime side, biometric data is required by federal regulation for issuance of TSA-issued Transportation Worker Identification Credential (TWIC) smart cards that are required to access maritime facilities regulated by the U.S. Coast Guard and cruise terminal operational areas. In addition, the cruise industry is increasingly taking advantage of biometrics as a passenger facilitation tool; for example, Norwegian Cruise Line and CBP have partnered for use of facial recognition for disembarkation of guests at Pier 66.

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173 One of the leading drivers of the expected deployment of public-facing biometrics over the next
174 few years is implementation by CBP of a Congressionally mandated biometric exit-entry
175 screening process for international air passengers. Sea-Tac’s International Arrivals Facility will
176 incorporate facial recognition for almost all arriving passengers (other than those U.S. citizens
177 who opt-out), and CBP is working with the port and its airline partners to incorporate this
178 technology into departing international passenger processes.

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180 Facial recognition is also increasingly being utilized by the port’s private sector partners. Delta
181 Air Lines opened the first full biometric airport terminal in Atlanta in November 2018, and is
182 working to bring aspects of their “curb to gate” experience to Sea-Tac. Similarly, many of the
183 port’s cruise partners are working to streamline the check-in and boarding process for their
184 travelers through facial recognition.

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186 Some members of the public and various advocacy organizations have expressed concerns
187 about the rapidly expanding use of facial recognition. These stakeholders have raised issues
188 around privacy, equity and civil liberties, although their main focus has been on broad law
189 enforcement use of this technology for “mass surveillance” rather than the kind of customer
190 facilitation uses that are being considered at port facilities. They support the use of appropriate
191 regulation to ensure protections against abuse, discrimination and unintended consequences.

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193 **ADDITIONAL INFORMATION ATTACHED**
194 Presentation slides