

From: Edward Hasbrouck <edward@hasbrouck.org>
Sent: Monday, December 2, 2019 9:17 AM
To: Gregoire, Courtney; Bowman, Stephanie; Calkins, Ryan; felleman.r@portseattle.org; Steinbrueck, Peter
Cc: Commission-Public-Records; Merritt, Mike
Subject: [EXTERNAL] Public comments on automated facial recognition
Attachments: Attachment information; IDP-SEA-Port-Comm-10DEC2019-attach.pdf
Categories: Public Comment

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Dear members of the Port of Seattle Commission:

Attached please find the written comments of the Identity Project (PapersPlease.org) regarding automated facial recognition at airports, for the record of your upcoming meeting on December 10, 2019..

These comments are also available on our website at:

<https://papersplease.org/wp/wp-content/uploads/2019/12/IDP-SEA-Port-Comm-10DEC2019-attach.pdf>

As noted in these written comments, I will be in Seattle to give a summary of these comments at your meeting on December 10, 2019. I would be happy to answer questions from members of the Port of Seattle Commission at your December 10 meeting; to meet with members of the Commission, its staff, or other Port staff while I am in Seattle; or to return to Seattle to provide further testimony at a future meeting of the Commission.

Best regards,

Edward Hasbrouck

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consultant to The Identity Project (IDP), a program of the First Amendment Project
1222 Preservation Park Way, Suite 200, Oakland, CA 94612, USA <<http://www.papersplease.org>>

"Congress shall make no law ... abridging ... the right of the people peaceably to assemble" (U.S. Constitution, Amendment 1)

"Everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right to leave any country, including his own, and to return to his country."
(Universal Declaration of Human Rights, Article 13)

"Liberty of movement is an indispensable condition for the free development of a person."
(United Nations Human Rights Committee,
General Comment No. 27)

From: Valdez, Veronica
Sent: Monday, December 9, 2019 9:25 AM
To: Merritt, Mike; Schinfeld, Eric; Pritchard, Aaron; White, Paul; Smith, Lauren (Commission)
Subject: FW: [EXTERNAL] Public comments on automated facial recognition

Hi all,

FYI ~

V/r,
V2

-----Original Message-----

From: Edward Hasbrouck <edward@hasbrouck.org>
Sent: Monday, December 9, 2019 9:01 AM
To: Gregoire, Courtney <Gregoire.C@portseattle.org>; Bowman, Stephanie <Bowman.S@portseattle.org>; Calkins, Ryan <Calkins.R@portseattle.org>; Felleman, Fred <Felleman.F@portseattle.org>; Steinbrueck, Peter <Steinbrueck.P@portseattle.org>
Subject: [EXTERNAL] Public comments on automated facial recognition

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Dear members of the Port of Seattle Commission:

Last week, in our testimony to you regarding facial recognition at Sea-Tac and in a post in our blog, the Identity Project called to your attention the official notice from the US Department of Homeland Security that US Customs and Border Protection planned to promulgate new regulations to require U.S. citizens leaving or returning to the U.S. to be photographed:

<https://papersplease.org/wp/2019/12/02/dhs-plans-to-require-mug-shots-of-u-s-citizen-travelers/>

In response to subsequent publicity and criticism from members of Congress, CBP issued a press release disavowing the official notice it had issued, and alleging that our report contained "incorrect claims".

We stand by our story. The official DHS notice was published after formal agency review, and reflected CBP plans. It was not a mistake or a typo or issued by a "rogue" or junior CBP employee:

<https://papersplease.org/wp/2019/12/05/dhs-postpones-plan-for-mug-shots-of-innocent-us-citizen-travelers/>

There is still no law or regulation assuring U.S. citizens of a right to opt out, or defining opt out or redress procedures.

Congress should act, but hasn't. In the meantime, with facial recognition already in use at Sea-Tac, and its use expanding, action by the Port Commission remains essential to protect the rights of travelers.

As the Washington Post said in an editorial Saturday:

"In fact, there hasn't been much formal anything. CBP has issued what it calls privacy impact assessments on its program... But ... if CBP wants to change its own protocols, Americans will have to take on faith that they and their representatives will be told first and given the chance to weigh in.

"Legislators are lagging as facial recognition technology creeps around the country. Congress has not authorized DHS to collect Americans' biometric information as part of its mandate to create an entry-exit system, but it also hasn't told the agency not to. Without action, there are few rules for DHS to follow — because, contrary to the usual procedure for a project with such significant civil liberties implications, the department did not write them before rolling out its system.... In the meantime, CBP has scanned the faces of tens of millions of travelers.

"The government, according to internal documents, envisions a future in which passengers' trips from the curbside to the boarding gate are determined at every juncture by face-checks. Anonymity disappears in the service of "simplified and standardized wayfinding across airports." Many Americans might appreciate the convenience, but it is Congress's job to consider the cost."

If you are going to approve the draft proposal posted in advance of your meeting on Tuesday, December 10, 2019, we urge you to amend it to:

(1) Include current as well as proposed new deployments and uses of facial recognition in its requirement for approval. None of the current uses of facial imaging on travelers at Sea-Tac comply with the proposed principles, and they should not be "grandfathered" into approval.

(2) Require that such approval be by the Port Commission itself, not merely by Port Commission staff.

(3) Include a date certain by which any uses of facial recognition on members of the public by the Port itself or by Port airline tenants or their contractors or service providers on Port premises that have not, by that date, been approved by the Port Commission must be terminated.

Thank you for your consideration of our comments and recommendations. I remain available to discuss this issue with any of you or your staff.

Sincerely,

Edward Hasbrouck

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