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## **APPROVED MINUTES BIOMETRICS SPECIAL COMMITTEE MEETING OCTOBER 8, 2020**

The Port of Seattle Commission Biometrics Special Committee met in a special meeting Thursday, October 8, 2020. The meeting was held remotely in accordance with the Governor's 'Safe Start – Stay Healthy' order and Proclamation 20-28. Committee members present included Commissioner Calkins and Commissioner Cho. Also present were Eric Schinfeld, Senior Manager, Federal Policy; Veronica Valdez, Commission Specialist; Michelle M. Hart, Commission Clerk; Lauren Smith, Deputy Commission Clerk, and a Panel of Biometrics External Advisory Group Members.

### **Call to Order:**

The committee special meeting was called to order at 11:31 a.m. by Commissioner Calkins.

### **Attachments provided to the committee and the public:**

- [Memo](#)
- [Presentation](#)
- Letter from [Representative Jayapal's Office](#)
- Letter from [Biometrics External Advisory Group](#)
- Letter from [Alaska Airlines](#), Vice President, Information Technology Services

### **Briefing on Policy Recommendations for Public-Facing Biometrics at Port Facilities:**

The Committee received a presentation from Eric Schinfeld and Veronica Valdez. The presentation addressed:

- history and background of creation of the internal working group and the task assigned to them as a result of a 2019 Commission Motion 2019-13;
- the importance of the external advisory group, their role and contributions to the recommended policies brought forward;
- that not all recommendations from the external advisory group are incorporated and this presentation in no way a vote or sign-off from the external advisory group members - the recommendations before the committee are that of staff alone;
- the purpose of the internal working group -not to give a recommendation to use or not to use biometric technology but rather, if the technology is used, how to do so within the seven principles established in Motion 2019-13;
- the seven guiding principles as well as three potential use cases they would be providing policy recommendations for;

- the use case of biometric air exit had previously been presented and approved by the full Commission in March and per Commission Motion 2020-15 - a moratorium is still in place on the use case for law enforcement/security;
- tangible and enforceable policies were the focus of the working group for each use case;
- differences in each use case;
- policy recommendations brought forward being broad enough to encompass future biometric technology - as it is recognized now, facial recognition is the main biometric technology being considered, but this could change in the future;
- two use cases discussed for optional uses of biometric technology - one case surrounding the use of private systems and one use case of a Port-owned and operated system;
- the policy as constructed would require any such use be voluntary and opt in - staff gave the example of the current use of Clear at Sea-Tac;
- including recommendations requiring any use to go through approval from the Port with a review process of how the technology would be implemented in accordance with the policy recommendations and seven principles from the Commission motion;
- the reiterated policy requirement that these use cases be completely voluntary and opt in, meaning travelers must actively enroll, provide their biometric information, and opt in at the time of service;
- another use case discussed regarding Air and Cruise entry for arriving international passengers - in this use case these are programs run by federal agencies in spaces controlled by those federal agencies - this case is already being planned and implemented by Customs and Border Patrol (CBP) and is already in place at several other ports;
- policy recommendations for this use case focused on transparency and accountability, as there is less within the Port's control;
- recommendations including continuous communication with CBP and other federal agencies, requesting audits of the technology to create accountability reports and an engagement plan with the community to make them aware of opt out options and provide information on the technology and its uses;
- the Port of Seattle is the first local agency to do an assessment of biometric technology and staff reiterated that it will continue to advocate for state and federal guidance and regulations surrounding biometric technologies;
- committee members' ask for clarity around opt-in programs and what those look like in practice;
- discussion surrounding what might happen if a vendor already uses biometric technology - it was noted that when leases are up for renewal, they would have to go through this review process in order to continue its use; and
- questions raised about the potential of biometric technology used through personal devices that individuals already give the information to - staff pointed to the broad encompassing way the policy recommendations were written and indicated that such a question might also require a deeper legal review.

Discussion ensued regarding the recent emphasized need for touchless technology in places like airports and seaports.

**Panel of Biometrics External Advisory Group Members:**

The committee received a presentation from Yasmine Medhi, District Director, Office of US Representative Pramila Jayapal; Frank Torres, Director of Public Policy – Office for Responsible AI, Microsoft Corporation, and Jennifer Lee, Technology and Liberty Manager, American Civil Liberties Union of Washington.

- Yasmine Medhi, representing Pramila Jayapal's office, commended the Port of Seattle for engaging in this work surrounding biometric technology.
- Representative Jayapal's office is especially concerned about the use of biometric technology for discretionary purposes and requests the Port consider a moratorium on biometric technology within the Port's purview.
- Equity and civil liberties issues are the number one concern of the Representative's office and it was emphasized that cost and convenience should not be put above individuals' civil liberties.
- Frank Torres also emphasized the importance of the work around biometric technology that the Port is doing.
- Mr. Torres discussed how biometric technology has changed over the years and likely will continue to evolve - voluntary programs using biometric technology are beneficial to the users, as well as advancing the technology.
- Jennifer Lee, on behalf of the ACLU of Washington urged rejection of use of biometric technology.
- The ACLU does not believe the current or proposed uses of this technology can be implemented consistently with the seven principles passed by the Port of Seattle in December 2019.
- Ms. Lee emphasized disagreeing with the Port's interpretation and application of the seven guiding principles, stating that accuracy is not equity and increased efficiency does not mean the use is justified.
- Ms. Lee also noted that the ACLU of Washington defines mass surveillance differently than the Port, stating even voluntary programs should be considered mass surveillance.
- The ACLU of Washington encourages the Port to reconsider a reevaluation of the seven principles.
- Ms. Lee also encouraged the Port to reject collaboration with CBP and emphasized the Port does not have control over what CBP chooses to do with biometric data collected.
- Committee members discussed further the varying definitions stated by Ms. Lee.
- Committee members indicated they were not yet ready to make a recommendation to the full Commission and discussed another public biometric committee meeting in November or December 2020.

**Adjournment:**

There being no further business, the special meeting was adjourned 1:05 p.m.

Prepared:

Attest:

Lauren Smith, Deputy Commission Clerk

Ryan Calkins, Biometrics Special Committee Co-Chair

Minutes approved: December 11, 2020.