



**APPROVED MINUTES
BIOMETRICS SPECIAL COMMITTEE MEETING DECEMBER 11, 2020**

The Port of Seattle Commission Biometrics Special Committee met in a special meeting Friday, December 11, 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 Amy Fischer, Legislative Assistant, Office of US Representative Pramila Jayapal.

Call to Order:

The committee special meeting was called to order at 10:04 a.m. by Commissioner Cho.

Approval of Audit Committee Meeting Minutes of October 8, 2020:

The minutes of the Biometrics Special Committee meeting of October 8, 2020, were approved without objection.

Attachments:

- Memo
- Presentation
- H.R 7356 Biometric Technology Moratorium Act of 2020
- Letter from ACLU of Washington
- Letter from Alaska Airlines
- Letter from Representative Jayapal's office

Summary of Policy Recommendations for Public-Facing Biometrics at Port Facilities:

The Committee received a presentation from Eric Schinfeld and Veronica Valdez that contained the following information:

- Overview of commission actions that have led up to this point and seek further recommendation from the special committee.
- Reviewed what was discussed and where things left off at the last committee meeting in October.
- The process to get here has been robust, transparent, and has received a high amount of public engagement.
- Mr. Schinfeld again reminded committee members that the recommendations presented are not consensus recommendations of the external advisory group, nor are they a recommendation to implement the technology or not.

- These policy recommendations are in response to the motions directive to determine if the Port should allow biometric technology, what is the best way to do so in accordance with the principles set by the Commission.
- Policy recommendations are categorized by use case as there is no one size fits all, including;
- Biometrics for traveler functions using private systems;
- Biometrics for traveler functions using Government Systems;
- Biometrics for Air and Cruise entry.
- Reminded the committee that the original timeline set was pushed back due to Covid-19 impacts.
- Goal has been for the policies to be tangible and enforceable.
- Important differential between use case for private vs. government systems for traveler functions because there is a state law recently passed that layout specific guidelines for government biometric systems;
- however, the policy that the Port lays out for private and government systems are very similar due to the high threshold the Port has.
- Highlights of these recommendations are;
- systems must be opt-in and the user must actively choose the system at time of service;
- technology must meet biometric data security privacy standards;
- verify that technology demonstrates high level of accuracy;
- agree to not disclose personal data collected in this system unless legally required to do so.
- If agency can meet these requirements, the Port also has the following responsibilities;
- comprehensive communication plan about the program produced by the port;
- accountability report produced yearly;
- training guidelines for staff administering the technology;
- engagement plan to educate local immigrant and refugee community in multiple languages and culturally appropriate ways.
- Recommendations around biometric technology for law enforcement purposes has not gone through the external advisory group due to the moratorium on this use set by the commission via Motion 2020-14. There has not been further action or policy exploration around this use case due to the moratorium.
- In use cases surrounding use of Biometric technology in federally controlled spaces the recommendations are;
- maintain transparency and accountability wherever possible;
- educational and communications campaigns;
- even when the Port does not have authority, the Port can work collaboratively with Customs and Border Protection (CBP) and other federal agencies to achieve a greater level of transparency and accountability.
- Staff knows CBP will be implementing biometric technology at the International Arrivals Facility.

Presentation on H.R. 7356 – The Facial Recognition and Biometrics Technology Moratorium Act of 2020:

The committee received a presentation from Amy Fischer that included the following information:

- Port of Seattle is the only agency that is creating policy recommendations for Biometric technology;
- Staff working with Representative Jayapal's office as the congresswoman advocates for federal regulations surrounding this issue.

- Facial recognition technology overall is invasive, unregulated, and fundamentally flawed;
- technology also raises concerns of broad surveillance.
- Currently federal law does not provide any privacy standards or safeguards.
- Recently several private companies have banned law enforcement use of their biometric technology, in part due to lack of federal regulation.
- The Bill creates a moratorium on acquisition, possession, access, or use of biometric technology by any federal agency;
- requires state and local agencies to have similar moratorium in order to receive federal funds for the use of law enforcement;
- prohibits the use of unallocated federal funds to be used for procurement of biometric technology;
- any information gathered through this technology is inadmissible in court proceedings; and
- establishes a civil right of action for those impacted by violation of the moratorium.
- Bill would not impact private companies such as Clear, which uses biometric technology for customers in an exclusively opt-in manor.
- Due to lack of federal standards, there is bipartisan consensus that the current use of biometric technology by federal government is not what congress intended.
- It was clarified that despite CBP's current use of biometric technology being previously approved by congress, the bill would still require a moratorium due to the current CBP use not meeting the standards proposed in the bill.
- There was discussion amongst the committee about co-sponsors of the bill, potential bipartisan support, and potential impacts of upcoming administration changes.

Committee Recommendations:

The Committee discussed recommendations to the full commission for moving forward;

- Recommend presentation of these policies to the full commission.
- Recommendation of full commission action to formalize moratorium on law enforcement and private security use of biometric technology at the Port;
- formalize ban on mass surveillance use of biometric technology at the Port; and
- full commission action to formally support Representative Jayapal's proposed bill.

Adjournment:

There being no further business, the special meeting was adjourned 10:55 a.m.

Prepared:

Attest:

Michelle M. Hart, Commission Clerk

Sam Cho, Biometrics Special Committee Co- Chair

Minutes approved: December 11, 2020.