

# Governing Public-Facing Biometrics at Port Facilities

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# BACKGROUND

# Biometrics Motion 2019-13 (Adopted 12/10/19)

- 1. Adopted seven (7) guiding principles** for public-facing biometrics at Port facilities:  
1) Justified, 2) Voluntary, 3) Private, 4) Equitable, 5) Transparent, 6) Lawful, 7) Ethical
- 2. Established a Port working group** to translate guiding principles into tangible & enforceable policy recommendations by the end of Q1 2020, for Commission passage by Q2 2020
- 3. Established an external advisory group** to provide feedback on proposed Port working group policy recommendations
- 4. Recommended the creation of an ad hoc, limited term commission committee** to oversee these efforts (Special Biometrics Committee)
- 5. Put a hold on any new or expanded uses of biometrics at Port facilities until after Commission approves of policy recommendations and adopts policies**

# Focus on Transparency

- **Commission Engagement:**
  - Two (2) Commission Study Sessions: Sep 10, 2019 and Oct 29, 2019
  - Commission Action adopting Motion: Dec 10, 2019
  - Commission Briefing: Feb 25, 2020
  - Commission Actions: Mar 10, 2020 and Apr 14, 2020
- **Development/Review of Recommendations:**
  - Port Working Group meetings/review: Dec 2019 – Aug 2020
  - Eight (8) External Advisory Group Meetings facilitated by consultants: Jan 17, 2020 – Sep 25, 2020
- **Biometrics Special Committee:**
  - Four (4) Commission Biometrics Special Committee: Feb 18, 2020; Mar 31, 2020; Oct 8, 2020; and Dec 11, 2020

# Multiple Use Case Recommendations

1. **Policy recommendations by “use case” rather than one comprehensive policy**
2. **Port Working Group identified “use cases” for public-facing biometrics at Port facilities and drafted policy recommendations for each use case:**
  - Biometric Exit (Submitted and Approved)
  - Biometrics for Traveler Functions: Port, non-airline tenant, airline and federal government
  - Biometrics for Law Enforcement & Security Functions
3. **External Advisory Group reviewed policy recommendations and provided feedback during facilitated meetings**
4. **Biometrics Special Committee reviewed and recommended policy recommendations**

# Observations

- Not “consensus” recommendations
  - All stakeholder concerns are being submitted along with the staff recommendations to provide full transparency
- Recommendations are not meant to suggest that the Port *should* implement public-facing biometrics, but rather how to do so in alignment with our guiding principles

# Biometrics Special Committee Recommendations

- Continue the Commission ban on Port and private sector use of public facing biometrics for “mass surveillance”
- Continue the Commission moratorium on Port and private sector law enforcement and security uses of public facing biometrics
- Regulate biometrics for traveler functions to the degree possible: Port, tenant, airline and federal
- Recommend the Port share its support for US Representative Jayapal’s federal biometrics moratorium legislation

# EXECUTIVE POLICIES

# Ban on Mass Surveillance

- Applies to Port employees AND private sector tenants
- Defines “mass surveillance” as any use of biometric technology to identify individuals without both their awareness and active participation
- All Port policies related to the public-facing use of biometric technology will require use of the technology to be fully voluntary and “opt-in”, where legally possible:
  - The system only includes the biometric data of those individuals who have actively opted-in to the system for that explicit purpose;
  - Does not include biometric data purchased from a third-party or public galleries without the individual’s explicit consent;
  - Only scans those individuals who have actively opted-in and only when they are purposefully and actively participating in that particular moment;
  - Comprehensive, clear, and accessible notice is provided at the time of enrollment (i.e. – “informed consent”);
  - Standards for cancelling a subscription/removing an individual’s biometric data from the system;
  - Standards to avoid unintended image capture;
  - Immediate deletion of biometric data accidentally collected; and
  - Does not scan large groups to identify those individuals who have opted in.

# Ban on Law Enforcement & Security Uses

- Bans use of biometrics to perform public-facing law enforcement and security functions by Port personnel or private sector tenants, including:
  - Direct use of biometric technology at Port facilities
  - Use of biometrics as part of a collaboration with a federal agency or on a mutual aid assignment in another local jurisdiction
  - Not allowed to create or contribute to a biometric database for law enforcement or security functions unless required
- Does not apply to traditional collections of biometrics that are used in law enforcement, such as the use of fingerprinting or DNA
- Port must comply with relevant state and federal laws

# Biometrics for Traveler Functions by Port & Non-Airline Tenants

- The Port *should not allow* public-facing biometrics for traveler functions unless:
  - **Justified:** The relevant Managing Director first seeks feedback from the Technology Ethical Advisory Board and considers set criteria in deciding whether or not to approve the implementation.
  - **Voluntary:**
    - The proposed application is “opt-in” and not “mass surveillance”.
    - The operator agrees to the Port’s standards and training protocols regarding avoiding unintended image capture, how to deal with mismatching issues with sensitivity and discretion, and how to minimize mismatch likelihood.
  - **Private:** The proposed technology meets and/or exceeds the Port’s minimum biometric data security and privacy standards.
  - **Equitable:** The technology demonstrates high levels of accuracy both overall and between various characteristics.

# Biometrics for Traveler Functions by Port and Tenants (con't)

- **If the Port approves such an application, it should:**
  - **Transparent:**
    - Develop a comprehensive communications plan that includes rights with regard to the program, how to be removed from the program, and recourse in case of violations of those rights and/or data breaches.
    - Work with the Technology Ethical Advisory Board to produce an annual accountability report that includes all approved, publicly available information.
  - **Ethical:**
    - Conduct performance evaluations to ensure that Port staff and/or private sector operators are following all Port policies, including those related to privacy, customer service, communication and unintended image capture.
  - **Lawful:**
    - Advocate for state and federal laws and regulations that codify the goals of the Port's biometric principles.
  - **Equitable:**
    - Develop an engagement plan to educate local immigrant and refugee communities about the technology and their rights – in multiple languages and in culturally appropriate ways – as well as resources for sharing concerns about any incidents in which they do not feel they have been afforded their full legal rights and/or their treatment has not been fully respectful.

# Biometrics by Federal or Airline Partners

- Port has no jurisdiction over CBP or TSA activities, and limited control over airline traveler functions due to Airline Deregulation Act, ***but can still play an important transparency and accountability role*** by:
  - Requesting notification, and information on how systems meet Port’s Biometric Principles
  - Developing a comprehensive communications plan that notifies the general public of the implementation and all related information;
  - Producing an annual accountability report that includes all approved, publicly available information on related topics;
  - Advocating for federal laws and regulations that support the Port’s biometric principles;
  - Developing an engagement plan to educate local immigrant and refugee communities about the technology, their rights, and resources for sharing concerns
- Port will also develop recommendations for suggested implementation:
  - Guidelines for avoiding unintended image capture;
  - Guidelines to help cruise line employees educate disembarking passenger about CBP rules regarding opt-out;
  - Guidelines for how to deal with mismatching issues with sensitivity and discretion

# Related Policies

- State of Washington regulation of public sector use of facial recognition biometrics (March 2020)
- King County ban on facial recognition use by King County employees (June 2020)
- Biometrics for traveler functions in use at dozens of port authorities (airports, cruise terminals) by Ports, tenants and federal agencies
  - *Port of Seattle would be the only port authority to-date to regulate this technology*

**Questions?**

# Public-Facing Biometrics Guiding Principles

|                    |   |
|--------------------|---|
| <b>Justified</b>   | Should be used only for a clear and intended purpose and not for surveillance on large groups without a lawful purpose                        |
| <b>Voluntary</b>   | Should be voluntary and reasonable alternatives should be provided for those who not wish to participate through an opt-in or opt-out process |
| <b>Private</b>     | Should be stored for no longer than required by applicable law or regulations, and should be protected against unauthorized access            |
| <b>Equitable</b>   | Should be reasonably accurate in identifying people of all backgrounds, and systems should be in place to treat mismatching issues            |
| <b>Transparent</b> | Should be communicated to visitors and travelers  |
| <b>Lawful</b>      | Should comply with all laws, including privacy laws and laws prohibiting discrimination   |
| <b>Ethical</b>     | Should act ethically when deploying technology or handling biometric data   |

# Biometrics Working Group

- Matt Breed, Chief Information Officer
- Julie Collins, Director, Customer Experience
- Commander Lisa Drake, Port of Seattle Police Department
- Laurel Dunphy, Director, Airport Operations
- Marie Ellingson, Manager, Cruise Operations
- Eric ffitch, Manager of State Government Relations, External Relations
- Bookda Gheisar, Senior Director, Office of Equity, Diversity and Inclusion
- James Jennings, Director, Airline Relations
- Ron Jimerson, Chief Information Security Officer
- John McLaughlin, Senior Port Counsel
- Anne Purcell, Senior Port Counsel
- Russ Read, Manager, Maritime Security
- Wendy Reiter, Director, Aviation Security
- Kathy Roeder, Director of Communications, External Relations
- Eric Schinfeld, Senior Manager of Federal Government Relations, External Relations
- Deputy Chief Mark Thomas, Port of Seattle Police Department
- Veronica Valdez, Commission Specialist
- Todd VanGerpen, Manager, Aviation Innovation
- Dave Wilson, Director, Aviation Innovation

# Biometrics External Advisory Group

- Ian Baigent-Scales, Airport Customer Development Manager - Airport Operations, Virgin Atlantic Airways
- Sasha Bernhard, Legislative Assistant, Office of US Representative Suzan DelBene
- Dana Debel, Managing Director, State and Local Government Affairs, Delta Air Lines
- Adele Fasano, Director, Field Operations, Seattle Field Office, US Customs & Border Protection
- Eric Holzapfel, Deputy Director, Entre Hermanos
- Suzanne Juneau, Executive Director, Puget Sound Business Travel Association
- Scott Kennedy, State and Local Government Affairs Manager, Alaska Airlines
- Jennifer Lee, Technology & Liberty Project Director, ACLU
- Maggie Levay, Director Guest Port Services, Royal Caribbean
- McKenna Lux, Policy Manager, CAIR-WA
- Yazmin Medhi, Outreach Director, Office of US Representative Pramila Jayapal
- Nina Moses, Stakeholder Relations Manager, US Transportation Security Administration
- Irene Plenefisch, Government Affairs Director, Microsoft Corporation
- Sheri Sawyer, Senior Policy Advisor, Office of Washington State Governor Jay Inslee
- Victoria Sipe, Director Shore Operations, Holland America Group
- Rich Stolz, Executive Director, One America
- Elizabeth Tauben, Manager Port Guest Services & Clearance, Norwegian Cruise Line Holdings
- Jennifer Thibodeau, Public Policy Manager - Western States, Amazon Web Services
- Jevin West, Director, Center for an Informed Public, University of Washington

# Biometric Air Exit

- Use of biometrics, specifically facial recognition technology, to verify the identity of **departing international air passengers** using US Customs & Border Protection's (CBP) Traveler Verification System (TVS).
  - First use case reviewed
  - Policy recommendations were reviewed by the Biometrics Special Committee on Feb 18, 2020
  - Policy recommendations were approved by the Commission on Mar 10, 2020
  - Executive Policy developed EX-23 on Apr 3, 2020
  - Review by the External Advisory Group was expedited due to Commission Action in March. Some stakeholders felt they did not have enough time to fully vet the recommendations

# Biometric Air Exit Communications Plan



## Website

Website information page –  
flagged on airport passenger  
pages



## SEA APP Alert



## Outreach

Outreach through working  
group and stakeholders



## External Relations Media Notices

## As a passenger, when at the airport...

I will encounter several forms of communication about Biometric Air Exit

-  1. Signs at ticketing/baggage drop
-  2. Signs at the check-in podium of the gate
-  3. Signs in the hold room
-  4. Signs at the entry of the boarding queue
-  5. Audio announcements regarding Biometric Air Exit

# Biometric Air Exit Signage

## Optional Boarding with Facial Recognition

Your photograph can be taken as you board your flight today as a touchless way to verify your identity.

See an airline representative prior to boarding to opt out of this process.

If you choose this touchless option:

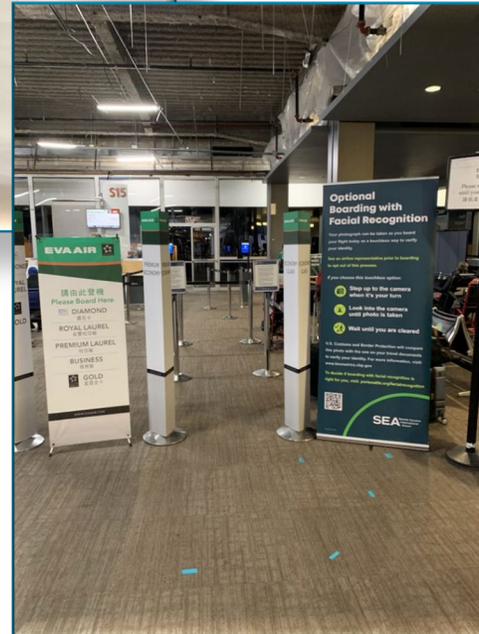
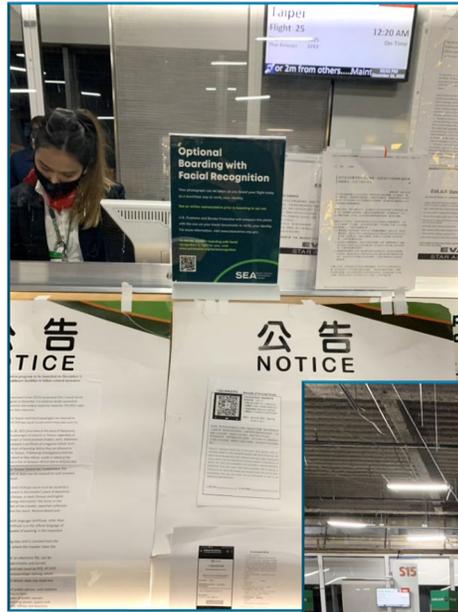
-  Step up to the camera when it's your turn
-  Look into the camera until photo is taken
-  Wait until you are cleared

U.S. Customs and Border Protection will compare this photo with the one on your travel documents to verify your identity. For more information, visit: [www.biometrics.cbp.gov](http://www.biometrics.cbp.gov)

To decide if boarding with facial recognition is right for you, visit: [portseattle.org/facialrecognition](http://portseattle.org/facialrecognition)



**SEA** Seattle-Tacoma International Airport



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