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September 26, 2019

Michigan Department of State  
Attn: FOIA Coordinator  
P.O. Box 30204  
Lansing, MI 48918

Sent via email to:  
[MDOS-FOIA@michigan.gov](mailto:MDOS-FOIA@michigan.gov)

Dear FOIA Coordinator:

This is a request by the American Civil Liberties Union of Michigan (“ACLU”) pursuant to the Michigan Freedom of Information Act (“FOIA”), MCL 15.231 *et seq.*, for the following public records:

1. Any memoranda, internal correspondence, inter-departmental correspondence (including electronic correspondence) authored by, received by, or in the possession of the Department of State (“DOS”) and/or its officers or employees regarding DOS’ practice of providing drivers’ license and other state identification photos to the Michigan State Police (“MSP”). This includes any analysis of whether DOS is required by statute to provide such information to MSP. Such photographs have apparently been provided to MSP for inclusion in its Statewide Network of Agency Photos (“SNAP” database) since at least 1998.
  - a. If DOS has relied on any other analysis, authority, or documents in concluding that it is authorized and/or required to automatically share Michiganders’ identity photographs with MSP for inclusion in the SNAP database, please provide all such documents.
2. Any guidelines, memoranda, correspondence (including electronic correspondence), or other documents authored by, received by, or in the possession of DOS that discuss or address Michiganders’ privacy interest in not having their state ID photos and drivers’ license photos included in a law enforcement database.
3. Any guidelines, memoranda, correspondence (including electronic correspondence), or other documents describing DOS’ policies or protocols for providing identity photographs to MSP for inclusion in the SNAP database.
4. Any guidelines, memoranda, correspondence (including electronic correspondence), or other documents describing DOS’s protocols for maintaining confidentiality of identity photographs. This request includes any audits conducted to ensure that confidentiality policies and protocols have been observed.

5. Any guidelines, memoranda, correspondence (including electronic correspondence), or other documents discussing DOS providing or not providing notice to Michiganders at the time their drivers' license and identification photos are taken that such photos will be transmitted to MSP for inclusion in the SNAP database.
6. Any memoranda of understanding or other similar documents between DOS and MSP discussing the SNAP database, including documents that describe either DOS's or MSP's respective responsibilities or obligations with respect to the drivers' license and ID photographs that are taken by DOS and included in the SNAP database.
7. Any policy documents, memoranda of agreement, internal memoranda, or any other documents (including electronic documents) discussing the terms, conditions, or policies of DOS or MSP regarding the sharing of information, including facial recognition information or drivers' information, with any federal immigration agency such as Immigration and Customs Enforcement (ICE), Customs and Border Patrol (CBP), or the Department of Homeland Security (DHS).
8. Any communications, memoranda, correspondence (including electronic correspondence), or other documents exchanged between federal immigration agencies and DOS in which DOS has shared or been asked to share information, including facial recognition information or drivers' information, with a federal immigration agency.

The ACLU requests that you waive or reduce any fee associated with this request as permitted by MCL 15.234(1). Waiving or reducing the fee is in the public interest because disclosure of the requested public records can be considered as primarily benefiting the general public in its understanding of the state of Michigan's use of facial recognition tools. If this request for waiver of fees is denied and it will cost more than \$50 to process the request, please contact me before proceeding.

Please process and respond to this request pursuant to the requirements of FOIA, including by responding within five business days of receiving this request, by separating exempt from non-exempt material, explaining the basis for any determination that any requested material is exempt from disclosure, and describing any material that is deleted, redacted or withheld.

Further, please provide the requested records in electronic form if it is feasible and economical to do so. Emails transmitting less than 10 MB of data may be sent to [pmayor@aclumich.org](mailto:pmayor@aclumich.org), or arrangements can be made to supply you with a CD, flash drive, or email address capable of handling larger quantities of data.

Finally, I welcome the opportunity to answer any questions you might have about this request in order to better clarify or facilitate the production of the public records requested. I can be reached at (313) 578-6803.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip Mayor", with a stylized flourish at the end.

Philip Mayor  
ACLU of Michigan  
2966 Woodward Ave.  
Detroit, MI 48201  
(313) 578-6803  
pmayor@aclumich.org