

**State Headquarters**

2966 Woodward Avenue
Detroit, MI 48201
Phone 313.578.6800
Fax 313.578.6811
E-mail aclu@aclumich.org
www.aclumich.org

Legislative Office

115 West Allegan Street
Lansing, MI 48933
Phone 517.372.8503
Fax 517.372.5121
E-mail aclu@aclumich.org
www.aclumich.org

West Michigan Regional Office

1514 Wealthy St. SE, Suite 260
Grand Rapids, MI 49506
Phone 616.301.0930
Fax 616.301.0640
Email aclu@aclumich.org
www.aclumich.org

September 26, 2019

Michigan State Police
Attn: FOIA Coordinator
P.O. Box 30634
Lansing, MI 48909

Sent via email to:
MSPRecords@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. All contracts, memoranda of understanding, or other documents authorizing local, county, or municipal law enforcement agencies to access MSP’s Statewide Network of Agency Photos (“the SNAP database”) to perform facial recognition checks.
2. Any memoranda, internal correspondence (including electronic correspondence), or other documents describing the standards used by MSP when deciding to allow access to the SNAP database by local, county, or municipal law enforcement agencies for the purpose of allowing such law enforcement agencies access to the SNAP database to perform facial recognition checks.
3. Any documents describing training provided by MSP to any local, county, or municipal law enforcement agency regarding the use of mobile facial recognition equipment. This request includes both:
 - a. Documents showing that such trainings have occurred and the law enforcement agency that received the training; and
 - b. The contents of any such training.
4. Any and all contracts between MSP or the State of Michigan and private corporations or other governmental entities for the purchase or licensing of facial recognition hardware or software utilized by MSP.
5. All requests by local, county, or municipal law enforcement agencies to access the SNAP database for purposes of performing facial recognition checks. This request includes both:

- a. Requests to enter into an agreement with MSP to allow the law enforcement agency access to the SNAP database; and
 - b. Requests for MSP to run individual facial recognition checks on the law enforcement agency's behalf, whether the request was made using form BID-002 or via some other means. With respect to this request, the ACLU does not object to redactions to the extent necessary to protect the confidentiality of individuals who have been the subject of facial recognition searches.
6. Any studies, statistics, memoranda, or internal correspondence (including electronic correspondence) measuring or discussing the accuracy or inaccuracy of facial recognition searches, whether performed by MSP, local enforcement agencies, or other entities.
 7. Any memoranda, internal correspondence (including electronic correspondence), or other documents describing what photographs may be included in the SNAP database and/or the standards used by MSP in deciding whether or not to include a photograph in the SNAP database. This request includes, but is not limited to, and documents describing MSP's policy for including photographs culled from social media accounts such as Facebook in the SNAP database.
 8. Any memoranda, internal correspondence, inter-departmental correspondence (including electronic correspondence), or other documents in which MSP has requested that the Michigan Department of State ("DOS") and/or its officers provide MSP with drivers' license and state identification photos taken by DOS for inclusion in the SNAP database.
 9. Any memoranda, internal correspondence, inter-departmental correspondence (including electronic correspondence), or other document describing or analyzing whether DOS is required by statute to provide drivers' license and other identity photographs to MSP for inclusion in the SNAP database.
 10. Any guidelines, memoranda, correspondence (including electronic correspondence), or other documents authored by, received by, or in the possession of MSP that discuss or address Michiganders' privacy interest in not having their state ID photos and drivers' license photos included in the SNAP database.
 11. Any guidelines, memoranda, or other documents describing the policies or protocols for transmitting identity photographs from DOS to MSP for inclusion in the SNAP database.
 12. Any audits, memoranda, or other documents discussing or examining whether MSP is in compliance with any facet of the SNAP Acceptable Use Policy, published at https://www.michigan.gov/documents/msp/SNAP_Acceptable_Use_Policy_2016_03_07_533938_7.pdf.
 13. Any policy documents, memoranda of agreement, internal memoranda, or any other documents (including electronic documents) discussing the terms, conditions, or policies of MSP regarding the sharing facial recognition 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). Please also provide any documents that discuss or mention the terms, conditions, or other policies regarding the circumstances under which or rules governing access to information contained in the SNAP database by any federal immigration agency.

14. Any communications, memoranda, correspondence (including electronic correspondence), or other documents exchanged between federal immigration agencies and MSP in which MSP has shared or been asked to share facial recognition information or access to the SNAP database, 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, 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,



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