



February 27, 2020

**Via Electronic Mail**

Mia Neumann  
MuckRock News  
DEPT MR 88326  
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Somerville, Massachusetts, 02144-2516  
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**Re: Freedom of Information Act Request – FOIA 2020-0272**

Dear Ms. Neumann,

This letter responds to your Freedom of Information Act (“FOIA”) request to the Chicago Transit Authority (“CTA”) that seeks the following:

**Background:**

Due to recent local and national reporting, there is a need for the citizens of Chicago to know the depth of the use of facial recognition and surveillance across the city, where it pertains to possible neglect to the crucial Biometric Information Privacy Act, 740 ILCS/14, Public Act 095-994 (BIPA) security requirements passed in 2008.

Under BIPA, Illinois entities must:

- Obtain consent from individuals if the company intends to collect or disclose their personal biometric identifiers
- Destroy biometric identifiers in a timely manner
- Securely store biometric identifiers

While other Illinois FOIA requests have relinquished documents related to the contracted use of Motorola Solutions Inc "Face Plus" by the Chicago Police Department (CPD) in the past decade, documents pertaining to a new two-year contract with "Clearview AI" have not been disclosed to the public. What separates Clearview AI's technology from the already contracted implementation of "Face Plus" is the use of a pervasive algorithm that scours a public database of social media accounts of its citizens using a unique facial profile, including (but not limited to) personal accounts on Facebook, Instagram, Twitter, Venmo, etc. This is a violation of the Illinois public's Biometric Identifiers, regardless of its public social intended use.

Therefore I am requesting on behalf of the public record and public reporting that CPD also discloses its relationship to Clearview AI, including any and all:

1. AGREEMENTS between Clearview AI with CPD or any other Chicago surveillance authority

Any and all agreements related to the acquisition and use of Clearview AI's "software," algorithm, or program.

This includes (but is not limited to):

- all contracts (as well as associated amendments, attachments, and exhibits),
- data sharing agreements
- insurance agreement
- intergovernmental services agreements
- licensing agreement
- memorandums of understanding, and
- nondisclosure agreements regarding or relevant to this software or program.

**1. CONTRACTS before, during, or after Clearview AI interaction with CPD or any other Illinois Government public service**

Please provide a copy of any informal agreements, insurance agreements, liability waivers, and warranties that reference this technology or otherwise guide its use or the relationship between this agency, the provider or developer of Clearview AI's "software," or any other partner or entity that may use or access it.

**2. BIDDING and PROCUREMENT before, during, or after Clearview AI interaction with CPD or any other Illinois Government public service**

A copy of any available or relevant Requests for Expressions of Interest, Requests For Proposal (or equivalent calls for bids), responses to Requests for Expressions of Interest, letters of interest, responses to Requests for Proposal, sole source or limited source justification and approval documentation, documentation of selection, and other materials generated in the consideration and selection of the technology in question.

**3. FINANCIAL and FUNDING MATERIALS before, during, or after Clearview AI interaction with CPD or any other Illinois Government public service**

Any records related to the financing or funding of Clearview AI's "software," including a copy of any related funding opportunity announcements, grant applications, grantor status/progress reports, purchase orders, invoices, and other memoranda and documentation related to the payment or cost (or lack thereof) of the "software," related technology, personnel, equipment, or other elements concerning Clearview AI software or program.

**4. INSTRUCTIONAL MATERIALS and TRAINING before, during, or after Clearview AI interaction with CPD or any other Illinois Government public service**

All instructional materials, presentations, and presentation materials (including recorded video and audio, PowerPoint files, prepared remarks, and slides formats), and other guidance on the use of Clearview AI software. This includes any notes taken during meetings that discussed the use of the software, any explanations (whether generated internally or externally) of how the software works, and any other document that has been used to help explain the use of "the software" to any party, including internal documentation, public relations materials, and executive summaries.

5. PRIVACY ASSESSMENTS before, during, or after Clearview AI interaction with CPD or any other Illinois Government public service

A copy of any data retention guidelines or policies, data security policies, data security specifications, privacy impact assessments, security audits, or other materials evaluating or guiding the security of Clearview AI "software" or the privacy of the data involved

6. USE POLICIES before, during, or after Clearview AI interaction with CPD or any other Illinois Government public service

Please provide a copy of any policy directives, guidance documents, memoranda, training materials, or similar records governing the use and function of this technology for immigration, law enforcement, or any purpose, including all those related to data retention, permissible and impermissible use, and security standards. This would include materials that describe the application, function, and use of Clearview AI including advertisements, emails, handouts, usage policies, PowerPoint presentations, specification documents, or standard operating procedures.

7. COMMUNICATION and MARKETING MATERIALS before, during, or after Clearview AI interaction with CPD or any other Illinois Government public service

Please limit the search to records produced from January 1, 2016 – present. Please include in your search as responsive records: communications, memorandums, background papers, meeting minutes, email exchanges, or presentation materials. This includes any correspondence between any staff at this agency with any other organization or vendor relevant to the use of the aforementioned technology or program, including records related to meetings or follow-up actions with any vendors, companies, or other private entities marketing this technology for immigration, intelligence, law enforcement, or any use. This also includes correspondence in the form of emails, email attachments, paper letters, text message, and any other form of correspondence, as well as all marketing materials - unsolicited, requested, or otherwise - acquired from vendors of this technology.

Under the Freedom of Information Act, a public body may extend the time to respond to a FOIA request by up to 5 business days, excluding weekends and state holidays, for a limited number of reasons. 5 ILCS 140/3(e). We are extending the time to respond to your request by 5 business days, to March 5, 2020, for the following reasons:

- There is a need for consultation, which shall be conducted with all practicable speed, among two or more components of CTA having a substantial interest in the determination or in the subject matter of the request. 5 ILCS 140/3(e)(vii).

Please contact me if you have any questions regarding this FOIA request to the CTA.

Sincerely,



Brigett R. Bevan

Director, Freedom of Information Compliance