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FOIA 2020-0272

To whom it may concern,

I am writing to appeal the determination by the Chicago Transit Authority with regard to my FOIA request filed on February 20, 2020, **FOIA 2020-0272** (attached as NEUMANN_ORIGINAL_FOIA_2020-0272.pdf), for records concerning the CTA and the integration of a “new” surveillance technology system. By letter of March 6, 2020, signed by Brigett Bevan, it is claimed that there were no responsive documents to the request. Though this CTA response did not contain instructions for appeal, I am sending this appeal to the Public Access Counselor in the Office of the Attorney General based on the grounds that there has been public local and national reporting on the implementation of new “smart policing technology” throughout Chicago, linked and quoted below, which chronicle connections between the CTA, Chicago Police Department and new integration of mobile facial recognition technology as of January 2020. This same language is also included within press releases from CTA department on the new “CTA Safety Plan” (quoted below) but fail to name the technology utilized. This FOIA request differs from the previously released documents that disclose the use of applications/software like FacePlus, Motorola Solutions, CLEAR technology, and other surveillance methods. This appeal 1) affirms the rights of citizens of Chicago to know what privatized policing technology is/or will be utilized in scraping their social media profiles 2) which private corporation stored within a private company, if the CTA is involved in testing this application using their biometric data.

Therefore, I am requesting a more thorough search through CTA records, and will provide additional public reporting as well as narrower search categories with a shorter timeframe, for their contextual convenience (see A-D below). While CTA department did not offer in their second response (see FOIA_2020-0272-Response.pdf) any official criteria for filing a FOIA appeal, I am hoping this narrowing of search inquiry will assist in another good-faith examination of the matter. Please see below a revised search criteria and additional information about the inquiry which describe the need for further public disclosures.

- A. For context, below is relevant public information that imply connections between the CTA, CPD, and undisclosed ‘smart policing technology’:
- **From Chicago Transit Authority** (Official Release from Department) February 28 2020, “*Mayor Lightfoot, CPD and CTA Announce Comprehensive Public Transit Safety Plan*” ([https://www.transitchicago.com/mayor-lightfoot-cpd-and-cta-announce-comprehensive-public-transit-safety-plan-/](https://www.transitchicago.com/mayor-lightfoot-cpd-and-cta-announce-comprehensive-public-transit-safety-plan/))
 - “Mayor Lori E. Lightfoot today joined the Chicago Police Department (CPD) and the Chicago Transit Authority (CTA) to announce the City’s comprehensive public transit safety plan, which will add 50 more officers, smart policing technology and a dedicated detective unit to the nation’s second-largest public transit system . . . with more officers and resources than ever before in the history of CTA . . . Interim Superintendent Charlie Beck. “Today’s transit safety enhancements puts Chicago in alignment with other major city transit systems across the country and allows us to **leverage technology-based policing** that has helped reduce crime and violence in Chicago for the last three years” . . . “The CTA has long had a strong partnership with the Chicago Police Department, and today that partnership gets even stronger,” said CTA President Dorval R. Carter, Jr. “The additional officers and detectives, as well as the **technology improvements CPD is making**, demonstrate our continued commitment to ensuring the safest commute possible for CTA customers” . . . “Expected to launch this spring, **the new smart policing technology** will be the central location where CPD will have access to more than 32,000 cameras already installed on CTA property. The cameras, which are found at every rail station and on every bus and train, continue to assist detectives in identifying and locating offenders that commit crimes on the public transit system . . . Funded thanks to a generous donation by philanthropist and Citadel CEO Ken Griffin, the new SDSC Room will decrease the time needed to access surveillance footage

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from both CTA cameras as well as private security cameras, which in the past has taken detectives hours to retrieve. These district-based intelligence centers give real-time access to district intelligence information to police officers in the field, helping them determine deployment strategies based on historical crime data. This **mobile technology** will allow for **smarter, data-driven patrols** and significantly decreased response times to potential service calls”.

- **Chicago Sun Times Article, February 28 2020, “CTA Security Plan Unveiled”** (<https://chicago.suntimes.com/2020/2/28/21156466/chicago-police-cta-security-plan-beck-officers-on-trains>):
 - “The Chicago Police Department will bolster its Mass Transit Unit by 50 officers, assign four detectives exclusively to solving CTA crimes and **build a strategic deployment center** specifically for mass transit . . . The Mass Transit Unit, now at 200 officers, will grow to 250. And add another 50 when you **count moonlighting officers bankrolled by the CTA** . . . The new Strategic Decision Support Center is expected to open sometime this spring in the Central Police District. It’s bankrolled by a donation from billionaire Ken Griffin, Illinois’ richest man. The center will have access to more than 32,000 surveillance cameras installed on CTA buses, trains and platforms”
- **Chicago WTTW, January 30 2020, “Chicago Police Using Controversial Facial Recognition Tool”** (<https://news.wttw.com/2020/01/30/chicago-police-using-controversial-facial-recognition-tool>)
 - “The Chicago Police Department recently started working with a controversial facial recognition tool called Clearview AI. The department entered into a two-year, \$49,875 contract on Jan. 1 with the tech firm CDW Government, according to a statement issued by the department.”

B. Key terms/names/words, to assist in search within relevant records and correspondence:

- Clearview AI
- Clearview
- Clearview App
- Clearview Contract
- Mobile Technology
- Mobile Surveillance
- Facial Recognition
- Facial Profile
- Facial Geometry Scans
- Smart Policing
- Chicago Crime Lab
- Intelligence-Driven Technology
- Public Transit Safety Plan
- Innovation for a Safe Chicago
- Data-driven Patrols
- District Intelligence Centers
- CTA Safety Plan
- CDW Government
- Surveillance Cameras
- Surveillance Footage
- Strategic Decision Support Center, or SDSC Room
- The Illinois Biometric Privacy Act, or BIPA
- Biometric information
- Real-time surveillance
- Real-time access
- Ken Griffin (Citadel CEO & SDSC Funder)
- CTA President Dorval R. Carter
- Interim Superintendent Charlie Beck

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C. Timeframe to be searched:

- **January of 2018 - Present**

D. With additional background information and search criteria to assist the revised FOIA inquiry, I ask that you send **both** documentation of email/correspondence as well as the materials records attached to said emails/correspondence.

Including, but not limited to:

- Contracts and/or negotiation materials
- Bidding and/or Procurement documents
- Financial and/or Funding materials
- Instructional and/or Training materials
- Use and/or implementation policies
- Promotional and/or advertising materials

Thank you in advance for your anticipated cooperation in this matter.

I look forward to receiving your response to this appeal with a revised FOIA request.

- Mia Neumann

From: 88326-13641125@requests.muckrock.com
Subject: Illinois Freedom of Information Act. Request: Surveillance Of Illinois Citizens Using Private Corporation Social Media Algorithm (Chicago Transit Authority)
Date: February 20, 2020 at 10:23 AM
To: FOIA FOIA@transitchicago.com



****EXTERNAL EMAIL**** This email originated outside of CTA. ****NEVER CLICK or OPEN**** unexpected links or attachments. ****NEVER**** provide User ID or Password. CTA IT Support will NEVER ask you for such information. If this email seems suspicious, contact CTA Help Desk at x12345.

Chicago Transit Authority
FOIA Office
567 West Lake Street
Chicago, IL 60661

ORIGINAL FOIA REQUEST
2/20/2020
FOIA_2020-0272

February 20, 2020

To Whom It May Concern:

Pursuant to the Illinois Freedom of Information Act., I hereby request the following records:

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.

*Please provide first the existing contract and associated attachments. If negotiation or limitations are required for portions of this request, please let me know.

Current public reporting on the subject:

Chicago Sun Times: <https://chicago.suntimes.com/crime/2020/1/29/21080729/clearview-ai-facial-recognition-chicago-police-cpd>

Chicago Tribune: <https://www.chicagotribune.com/nation-world/ct-nw-nyt-clearview-facial-recognition-20200119-dkdqz7ypaveb3id42tpz7ymase-story.html>

CBS2 Chicago: <https://chicago.cbslocal.com/2020/02/07/chicago-police-launch-new-facial-recognition-technology-they-say-to-catch-crooks/>

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Mia Neumann

Filed via MuckRock.com

E-mail (Preferred): 88326-13641125@requests.muckrock.com

Upload documents directly: <https://accounts.muckrock.com/accounts/login/?>

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88326%252F%253Femail%253DFOIA%252540transitchicago.com&url_auth_token=AAAWilnaGce3Kn7ELRak8tAPmJ0%3A1j4obj%3AWTFEVSSanWb6MCO3UnGpp6F3G_w

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For mailed responses, please address (see note):

MuckRock News

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