



PDX Privacy



PORTLAND UNITED AGAINST HATE



September 8, 2020

Portland City Council
1221 SW 4th Avenue
Room 130
Portland, OR 97204

Re: Government use of face recognition technology in Portland, OR.

Mayor Wheeler and Honorable Members of the Portland City Council:

We write to you today on behalf of thirty-nine civil society organizations, and more importantly, over one hundred Portlanders who have signed the accompanying petition to end government use of face recognition technology in our City.

Roughly one year ago, San Francisco became the first US city to acknowledge the threats to privacy that face recognition usage poses, and that City's legislators took the important step of banning use of the technology by its government agencies. Since then, lawmakers in several other cities—including Oakland, CA, and Somerville, MA—have followed suit and enacted their own privacy-protective legislation. We, the undersigned groups and individuals, encourage the Portland City Council to likewise move forward along this path by banning municipal agency use of face recognition.

Governments should not trade public safety, privacy, and freedom of expression for merely potential gains of a technology that is short on results and long on promises and proven harms.

The proliferation of surveillance cameras throughout our City invites intrusive tracking of the movements of large numbers of individuals—as they go about their daily lives—and reveals an abundance of intimate personal details. Face recognition is a particularly invasive form of surveillance as it can be used without the knowledge, consent, or participation of the persons being watched. The people of Portland should not be subject to this invasion of their privacy and essential freedoms.

Relentless and constant monitoring negatively impacts people's privacy in many ways and can cause direct, ongoing harm, resulting in a chilling effect on their actions and associations with other people.

In his majority opinion in the watershed *Carpenter v. United States* (2018), Supreme Court Chief Justice John Roberts wrote: “A person does not surrender all Fourth Amendment protection by venturing in the public sphere.” Yet, government use of face surveillance threatens to do just that.

In addition to problems related to civil liberties, face recognition technology currently has accuracy issues, especially when used against women and people of color^{1,2,3}. While technological advances may improve accuracy, even if the technology someday functions flawlessly, automated surveillance and collection of biometric data will still violate our personal privacy and conflict with the City's own privacy principles adopted last year.

Furthermore, amassing faceprints or ‘face templates’ can lead to mission creep and data breaches. With a database full of faceprints, agencies may be tempted to find new uses for that data. The mere creation of these databases opens your constituents to a wealth of unintended privacy concerns as well. Unlike a password, driver's license, or other identification documents, our faces cannot be easily changed once a database is compromised or otherwise made vulnerable to malicious actors.

¹ Patrick Grother, Mei Ngan, & Kayee Hanaoka, *NIST Study Evaluates Effects of Race, Age, Sex on Face Recognition Software*, NIST (Dec. 19, 2019), available at <https://www.nist.gov/news-events/news/2019/12/nist-study-evaluates-effects-race-age-sex-face-recognition-software>.

² Joy Buolamwini, *Gender Shades*, MIT Media Lab (Jun. 26, 2019), available at <http://gendershades.org/overview.html>.

³ Clare Garvie, Alvaro M. Bedoya, & Jonathan Frankle, *Perpetual Line Up - Unregulated Police Face Recognition in America*, Center on Privacy & Technology at Georgetown Law (Oct. 18, 2016), available at <https://www.perpetuallineup.org/>.

Over one hundred Portlanders have signed a petition to ban government use of face recognition technology in Portland. Omnipresent face surveillance is not inevitable. You have the power to stop its creep. We ask that you listen to your constituents, and take action now.

Sincerely,

A Legacy of Equality, Leadership and Organizing (LELO)

ACLU of Oregon

Advocacy for Principled Action in Government

Alliance for Democracy, Portland

BerniePDX

Center for Human Rights and Privacy

Committees of Correspondence for Democracy and Socialism, Corvallis chapter

Constitutional Alliance

Council on American-Islamic Relations - Oregon

Cryptoparty Ann Arbor

Data Privacy Group of Lewis & Clark Law School

Defending Rights & Dissent

Don't Shoot Portland

EFA Cedar Rapids Affiliate

Electronic Frontier Foundation (EFF)

Ethics In Technology

Fight for the Future

Interfaith Movement for Immigrant Justice

Media Alliance

National Lawyers Guild - Portland

Oakland Privacy

OpenMedia

PDX Privacy

Personal Telco Project

Portland Central America Solidarity Committee (PCASC)

Portland Tenants United

Portland United Against Hate

Portland-Metro People's Coalition

Portland's Techno-Activism 3rd Mondays

Privacy Times

Project Waves

Restore The Fourth

S.T.O.P. - Surveillance Technology Oversight Project

Secure Justice

Students Against Data Abuse

TechActivist

Washington Association of Criminal Defense Lawyers

Washington Defender Association

Whatcom Peace and Justice Center

PETITION

Use of face surveillance by law enforcement and other government agencies invades Fourth Amendment freedoms of privacy and chills First Amendment freedoms of speech and association.

Face surveillance technology has already been used to target individuals engaged in First Amendment-protected activity. And the threat of this especially pernicious form of surveillance extends far beyond political rallies. Images captured outside houses of worship, medical facilities, schools, community centers, and homes would reveal familial, political, religious, and sexual partnerships.

Data theft is another threat. Digital security professionals regularly warn that it's not a matter of if a given system will be breached, but when. Government agencies have a notorious history of failing to adequately secure from theft the sensitive personal information and biometric data that government stockpiles. Unlike a driver's license or social security number, when a breach occurs, our faces cannot be reissued.

As community members concerned with our own privacy and safety, as well as that of our families and neighbors, we stand together in committed support of an immediate end to the government's use of face surveillance.

Signed

A. M. Stern	Don Jacobson	Ken Han	Paul Buchman
Adam Kauffman	DR Gaylord Skip King	Ken Ross	Paul DeStefano
Aileen Converse	Edward Averill	Kevin Savetz	Phil Goldsmith
Alana Liechty	Elliott Robbins	Kirby Kuehl	Priscilla Carlson
Alex Hamlin	Eric Anholt	Kurt Liebezeit	Rio Shayne
Aris Bloms	Erica Maranowski	Laurel Rogers	Rob Ling
Austin Millan	Erik Swanson	Lewis Brown	Rosalind Lewis
BC Shelby	Erin Conroy	Linda Alband	Rowan Everard
Ben Reichert	Francoise Brun-Cottan	Lisa Anderson	Russ Gorman
Beth Levin	gaia bear	Lois Narzisi	rv branham
Blaed Spence	Gracie Campbell	Loree St. Claire	sadie prior
Brandon Bressi	Hans Heintze	lyric apted	Sam Grover
Brannan McGill	Heather Birdsong	M. Rita Olson	Samuel Dusciuc
Brian Hewitt	Iva Dubyak	MacKenzie Stout	Samuel Harry
Bridget Wyatt	Ivan Needham	Maite Robles	Sandra Decker
Bruce Hyman	Jacob Cross	Maksym Movchan	Sandra Joos
Camen Jensen	James Castle	Mark Marshall	Sarah Cardin
Chris Bushick	Janice Coleman	Mark Smallwood	scott mahood
Chris Eykamp	Jeffrey Mandel	Mary Rudy	Seaian Wood
Christopher Hawley	Jennifer Handshew	Matt Glidden	Sean bailey
Cindy Quale	Jennifer Stoffel	Matt Gumbel	Shadric Hasselaar
Cleo Forman	Jeremy Kleyla	Matt Robinson	Shawn Helm

Colin Bondi	Joel Peterson	Matt Stowell	Shawn Linehan
Cory Buckley	Joel Spector	Max Scher	Sheila Golden
Craig Porter	John Andersen	Melba Dlugonski	Stephanie Soquet
D Bain	John Bates	Melinda Fleming	Steve Gale
Dan Sommerstein	John Brennan	Melissa Hathaway	Steve Switaj
Dana Weintraub	John Hall	Michael McGehee	Tammi Deming
Daniel Damkoehler	Jon Austin	Michael O'Connor	Tatyana Krueger
David Baasch	Jonathan Stracy	michele unger	Teejay VanSlyke
David Hermanns	Joni Whitworth	Mickey McCarthy	Teresa Venkatachalapathy
David McGuire	Joseph Corrado	Mike Nakamura	Thomas Hamlin
David Nichols	judith lienhard	Mike Voss	Thomas Scarpinatto
Deborah Montesano	Juniper Wilde	Nate Hildebrand	Todd Miller
Diane Lane	Karen Lewis	Nicole Nicolais	Traci Sutherland
Diane Murray	Katherine Anne Stansbury	Noah Brimhall	Tracy Richards
Dillon Green	Katherine Showalter	Owen Rodabaugh	Viva Soffian
Don Bain	Keiran O'Brien	Patrick Snell	Willow Morrigan
Vasiliy Barbiyeru	Franklin Harding		