



FIGHT FOR THE FUTURE



MediaJustice

Open Source Design



March 2, 2020

New York City Council  
250 Broadway  
New York, NY 10007

**Re: Face Surveillance in New York City**

Honorable Members of The New York City Council:

We write to you on behalf of thirteen civil society organizations,<sup>1</sup> and more importantly, the over two hundred New Yorkers who have signed the accompanying petition calling for an end to government use of face surveillance in New York City.

For too long, surveillance technologies have been tested on New Yorkers and deployed secretly without notice to the public. Many of these snooping devices invade our privacy, deter our free speech, and disparately burden minority and immigrant communities.

We commend the over thirty City Council members that have stepped forward as cosponsors of the long overdue and critically important POST Act. Transparency, relative to the prevailing practice of secret procurement and unaccountable use, would empower New Yorkers with the information and opportunity to become active participants in the preservation of essential rights and civil liberties.

As we push forward with this critically important legislation, returning a voice to the people of New York, we must not avert our eyes from existing threats posed by surveillance technology to the privacy, security, and civil liberties of the people of New York. Debate and the potential for new privacy protections on the state or federal level must not be seen as a pass to enacting new privacy protections at the city level for the people of New York City.

Government use of face recognition technology poses a profound threat to personal privacy, political and religious expression, and the fundamental freedom to go about our lives without having our movements and

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<sup>1</sup> These are Black Movement Law Project, the New York Chapter of the Council on American Islamic Relations (CAIR-NY), Desi's Rising Up and Moving (DRUM), the Electronic Frontier Foundation (EFF), Fight for the Future, The Legal Aid Society, May First Movement Collective, Media Justice, Rethink LinkNYC, Open Source Design, Surveillance Technology Oversight Project (STOP), Tech Learning Collective and War Resisters League.

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associations covertly monitored and analyzed. Used in combination with the over 18,000 cameras that feed into New York City's Domain Awareness System, these technologies can track everyone who lives and works in public spaces by means of a unique identifying marker that is difficult to change or hide – our own faces.

Close to a year ago, San Francisco took the important step of anticipating, and addressing, the grave impact law enforcement's use of the technology would have on our privacy. Several local governments, including the Metro-Boston area municipalities of Somerville and Cambridge, have followed suit. Lawmakers in each community made it clear that they would not trade away their constituents' safety, privacy, and ability to express themselves, for a technology big on promises, and even bigger on proven harms.

The threat to essential liberties extends far beyond political rallies. Images captured outside houses of worship, medical facilities, schools, community centers, or homes could reveal familial, political, religious, and intimate partnerships. This threat is heightened by the disturbing record of law enforcement agencies' failure to securely maintain sensitive personal information they collect about innocent people. And unlike a social security number or driver's license number, we can't change our faces.

More than two hundred New Yorkers have signed the accompanying petition. We ask you listen to your constituents, and promptly bring forward legislation banning government use of face surveillance in New York City. It's time to stand up for civil liberties and public safety, and against the chilling effect face surveillance imposes on New Yorkers' basic civil and human rights.

Sincerely,

Black Movement Law Project

The New York Chapter of the Council on American Islamic Relations (CAIR-NY)

Desi's Rising Up and Moving (DRUM)

Electronic Frontier Foundation (EFF)

Fight for the Future

The Legal Aid Society

May First Movement Collective

Media Justice

Rethink LinkNYC

Open Source Design

Surveillance Technology Oversight Project (STOP)

Tech Learning Collective

War Resisters League

# 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

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