



August 8, 2017

Clare Garvie  
Associate, Center on Privacy & Technology  
Georgetown University Law Center  
600 New Jersey Ave, NW  
Washington DC, 20001

Re: Public Records request related to facial recognition technology.

Ms. Garvie:

Thank you for your letter received July 13, 2017 requesting a copy of the public records related to the use of facial recognition technology by the State of Alaska, Department of Administration, Division of Motor Vehicles (DMV), and for your email dated August 3, 2017 in response to DMV's letter dated July 27, 2017, partially responding to your request and seeking clarification.

DMV's responses to the outstanding items from your request are below:

1. Any manuals, memos, policies or other guidelines the DMV follows for using the FRT system.

The records are attached. DMV denies your request with respect to the following record:

Pages	Subject of Denial	Reasons for Denial
All	Marquis ID Systems Manual	AS 40.25.120(a)(4): Trade secrets. <i>See</i> AS 45.50; AS 40.25.120(a)(10); balance of interests. <i>See, e.g., Alaska Wildlife Alliance v. Rue</i> , 948 P.2d 976, 981 (Alaska 1997); <i>City of Kenai v. Kenai Peninsula Newspapers, Inc.</i> , 642 P.2d 1316, 1323 (Alaska 1982).

2. Formal or informal policies or rules followed by DMV personnel for running facial recognition searches requested by external entities, including, but not limited to federal, state or local law enforcement agencies.

DMV has no responsive records.

- All requests for the past three years submitted by any entity outside the DMV for facial recognition searches against the DMV photo database. Emails, accompanying requests, if submitted electronically.

You agreed in your August 3, 2017 email to DMV's request to provide: "a breakdown of all requests for facial recognition searches of DMV's photo database by outside entities," as fully outlined in DMV's July 27, 2017 letter.

The records are attached.

- Purchasing and procurement documents related to the DMV facial recognition system, including but not limited to: grant awards, cost sharing agreements, purchase orders, RFPs, responses to RFPs, invoices, and contracts for FRT hardware, software, and any services.

The records are attached. DMV made the following redactions:

Document	Subject of Redactions	Reasons for Redactions
Marquis ID Systems Invoice 5/21/2014	Quantity, description, rate	Balance of interests. <i>See, e.g., Alaska Wildlife Alliance v. Rue</i> , 948 P.2d 976, 981 (Alaska 1997); <i>City of Kenai v. Kenai Peninsula Newspapers, Inc.</i> , 642 P.2d 1316, 1323 (Alaska 1982).
Marquis ID Systems Invoice 4/23/2014	Quantity, description, rate	balance of interests
Marquis ID Systems Invoice 5/21/2014	Quantity, description, rate	balance of interests
Marquis ID Systems Invoice 7/7/2014	Quantity, description, rate	balance of interests
Marquis ID Systems Invoice 4/21/2014	Quantity, description, rate	balance of interests
Marquis ID Systems	Quantity, description, rate	balance of interests

Invoice 4/30/2014		
Marquis ID Systems Invoice 5/20/2013	Quantity, description, rate	balance of interests
Marquis ID Systems Invoice 7/31/2014	Quantity, description, rate	Balance of interests
Marquis ID Systems Invoice 8/31/2014	Quantity, description, rate	balance of interests
Marquis ID Systems Invoice 9/30/2014	Quantity, description, rate	balance of interests
Marquis ID Systems Invoice 10/31/2014	Quantity, description, rate	balance of interests
Marquis ID Systems Invoice 11/30/2014	Quantity, description, rate	balance of interests
Marquis ID Systems Invoice 12/19/2014	Quantity, description, rate	balance of interests
Marquis ID Systems Invoice 12/31/2014	Quantity, description, rate	balance of interests
Marquis ID Systems Invoice 1/31/2015	Quantity, description, rate	Balance of interests
Marquis ID Systems Invoice 2/28/2015	Quantity, description, rate	balance of interests
Marquis ID Systems Invoice 3/2/2015	Quantity, description, rate	balance of interests
Marquis ID Systems Invoice 3/31/2015	Quantity, description, rate	balance of interests

Marquis ID Systems Invoice 10002 5/1/2015	Quantity, description, unit price	balance of interests
Marquis ID Systems Invoice 10012 5/29/2015	Quantity, description, unit price	balance of interests
Marquis ID Systems Invoice 10032 6/30/2015	Quantity, description, unit price	balance of interests
Marquis ID Systems Invoice 10042 7/31/2015	Quantity, description, unit price	Balance of interests
Marquis ID Systems Invoice 10060 8/31/2015	Quantity, description, unit price	balance of interests
Marquis ID Systems Invoice 10076 9/30/2015	Quantity, description, unit price	balance of interests
Gemalto Invoice 10086 10/31/2015	Quantity, description, unit price	balance of interests
Marquis ID Systems Invoice 10110 11/15/2015	Quantity, description, unit price	balance of interests
Marquis ID Systems Invoice 10128 12/11/2015	Quantity, description, unit price	balance of interests
Marquis ID Systems Invoice 10140 1/31/2016	Quantity, description, rate	balance of interests

Marquis ID Systems Invoice 10155 2/29/2016	Quantity, description, unit price	balance of interests
Marquis ID Systems Invoice 10171 3/31/2016	Quantity, description, unit price	balance of interests
Marquis ID Systems Invoice 10176 4/19/2016	Quantity, description, unit price	balance of interests
Marquis ID Systems Invoice 10190 5/31/2016	Quantity, description, unit price	Balance of interests
Marquis ID Systems Invoice 10217 6/30/2016	Quantity, description, unit price	balance of interests
Marquis ID Systems Invoice 10243 7/31/2016	Quantity, description, unit price	balance of interests
Marquis ID Systems Invoice 10262 8/31/2016	Quantity, description, unit price	balance of interests
Marquis ID Systems Invoice 10284 9/30/2016	Quantity, description, unit price	balance of interests
Marquis ID Systems Invoice 10300 10/31/2016	Quantity, description, unit price	balance of interests
Marquis ID Systems Invoice 10312 11/30/2016	Quantity, description, unit price	balance of interests

Marquis ID Systems Invoice 10341 12/31/2016	Quantity, description, unit price	balance of interests
Marquis ID Systems Invoice 10362 1/31/2017	Quantity, description, unit price	balance of interests
Marquis ID Systems Invoice 10377 2/28/2017	Quantity, description, unit price	Balance of interests
Marquis ID Systems Invoice 10400 3/31/2017	Quantity, description, unit price	balance of interests
Marquis ID Systems Invoice 10399 3/31/2017	Quantity, description, unit price	balance of interests
Marquis ID Systems Invoice 10398 3/31/2017	Quantity, description, unit price	balance of interests
Marquis ID Systems Invoice 10401 3/31/2017	Quantity, description, unit price	balance of interests
Marquis ID Systems Invoice 10426 4/30/2017	Quantity, description, unit price	balance of interests
Marquis ID Systems Invoice 10470 5/31/2017	Quantity, description, unit price	balance of interests
Marquis ID Systems Invoice 10452 5/31/2017	Quantity, description, unit price	balance of interests

Marquis ID Systems Invoice 10487 6/30/2017	Quantity, description, unit price	balance of interests
Marquis ID Systems Invoice 10473 6/13/2017	Quantity, description, unit price	balance of interests

- Any manuals from the companies providing FRT system components, including but not limited to any technical specifications they have provided.

DMV denies your request with respect to the following record:

Pages	Subject of Denial	Reasons for Denial
All	Marquis ID Systems Manual	AS 40.25.120(a)(4): Trade secrets. <i>See</i> AS 45.50; AS 40.25.120(a)(10); balance of interests. <i>See, e.g., Alaska Wildlife Alliance v. Rue</i> , 948 P.2d 976, 981 (Alaska 1997); <i>City of Kenai v. Kenai Peninsula Newspapers, Inc.</i> , 642 P.2d 1316, 1323 (Alaska 1982).

To the extent DMV has withheld and/or redacted protected information, DMV denies your request under 2 AAC 96.335(a)(4) (providing that an agency may deny a request if “nondisclosure of the record is authorized by a federal law or regulation or by state law”). *See* AS 40.25.120(a)(4) (exempting “records required to be kept confidential by a federal law or regulation or by state law”); *see also, e.g., Fuller v. City of Homer*, 75 P.3d 1059, 1062-63 (Alaska 2003) (recognizing that “Alaska’s statutory definition of ‘state law’ encompasses common law as well as positive law”) (quoting *Gwich’in Steering Comm. v. State, Office of the Governor*, 10 P.3d 572, 578 (Alaska 2000); *Capital Information Group v. State, Office of the Governor*, 923 P.2d 29 (Alaska 1996)). You may administratively appeal this denial by complying with 2 AAC 96.340. An administrative appeal requires no appeal bond. Also, you may pursue immediate judicial review by seeking an injunction from the superior court under AS 40.25.125. Not seeking an injunction will not adversely affect your rights before DMV, including in administratively appealing.

Under the regulations of the Alaska Public Records Act, if an agency does not have responsive records, the response constitutes a denial. *See* 2 AAC 96.335(a). You may administratively appeal by complying with 2 AAC 96.340. An administrative appeal requires no appeal bond. Also, you may pursue immediate judicial review by seeking an injunction from the superior court under AS 40.25.125. Not seeking an injunction will not adversely affect your rights before DMV, including in administratively appealing. I have been delegated the authority to deny Alaska Public Records Act requests. 2 AAC 96.335 – 2 AAC 96.350 are enclosed.

I have been delegated the authority to deny Alaska Public Records Act requests. 2 AAC 96.335 – 2 AAC 96.350 are enclosed. If you have any questions, please contact me at 907-269-5574 or [marla.thompson@alaska.gov](mailto:marla.thompson@alaska.gov).

Sincerely,



Marla Thompson  
Director  
Division of Motor Vehicles