

August 30, 2017

Claire Garvie

Sent via email: [cag104@georgetown.edu](mailto:cag104@georgetown.edu)

Regarding Public Records Request – FRT – of July 25, 2017

Dear Ms. Garvie:

I am in receipt of your public records request relating to FRT usage. Your request has been forwarded to my Office for response by the Department's open records custodian. I am responding to your request via email to avoid having to assess statutory fees for copies. If you require physical copies of the attached pdf documents, please respond to this email and I will generate a State cost for such delivery. Regarding your "**Records Requested**":

1. Any manuals, memos, policies or other guidelines the Division of Vehicle or other relevant agency (the Agency) follows for using the FRT system.

KDOR Answer: The Kansas Department of Revenue has prepared a Security Plan controls access to personal identifiable information – image information is considered by the Kansas Division of Vehicles to be highly restricted personal information. Such Plan is confidential and not subject to KORA process. See K.S.A. 45-221(a)(1) and (45); see also 49 CFR 1520.5. The Division of Vehicles abides by KDOR Security Policy 1001.3 when handling personal information associated with motor vehicle records. (attached). Division does not have a specific public policy addressing internal use of facial recognition technology systems.

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

KDOR Answer: See Answer to Question 1. Division of Vehicles staff does not coordinate with outside external government agencies to perform facial recognition searches. The Department's Office of Special Investigation (OSI) will liaise with outside law enforcement agencies when dealing with image requests. The coordination between OSI and the external law enforcement agency is case by case and subject to K.S.A. 74-2012 and 18 U.S.C. 2721 et seq., and KDOR Security Policy 1001.3.

3. Any notices provided to by the Agency to external agencies about the ability to run or request facial recognition searches against the license and identification photo database. The instructions, request forms, and other materials issued to external agencies regarding requests to conduct a facial recognition search against the license and identification photo database.

KDOR Answer: The Department does not provide such notice.

4. Agreements or memoranda of understanding (MOUs) signed with external entities permitting those agencies to run or request facial recognition searches against the license and identification photo database.

KDOR Answer: There is no such agreements or memoranda of understanding. The Department has not authorized its credentialing vendor, MorphoTrust, to perform such FRT searches with State of Kansas image data.

5. All requests from the past three years submitted or run by any entity outside the agency for facial recognition searches against the license and identification photo database. Emails accompanying the request, if submitted electronically.

KDOR Answer: The Department has maintained a log of such request but such information is not disclosable pursuant to State open record laws. See K.S.A. 2016 Supp. 45-221(a)(10).

6. Search logs and audit records of the FRT system, including but not limited to records of request approved or denied, logs of searches by external agencies, sample audits of search requests, misuse reports, and reports to oversight bodies.

KDOR Answer: Search logs and audit records are not disclosable pursuant to K.S.A. 2016 Supp. 45-221(a)(10). This writer is unaware of any reports to oversight bodies by Department. Disclosure of sample audits of search requests is not disclosable pursuant to K.S.A. 2016 Supp. 45-221(a)(45).

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

KDOR Answer: KDOR has not received a grant award in the last five (5) years relating to FRT implementation. KDOR has entered into agreement with its credentialing vendor, MorphoTrust LLC, and includes development of FRT services for KDOR internal. Attached to this response is July 1, 2009 agreement and attachment to that agreement titled "Proposal for Driver Licensing System Modernization from L-1 Identity Solutions Operating Company."

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

KDOR Answer: See Attached Proposal for Driver Licensing System Modernization from L-1 Identity Solutions Operating Company. I have removed Sec. 1.10 relating to card construction.

Emailed with this response are four attachments. Please call if you have any further questions.

Sincerely,  
/s/ Ted Smith  
Attorney, Kansas Department of Revenue

Cc: Sarah Fulton; Attachment