



SOUTH DAKOTA
DEPARTMENT
OF PUBLIC SAFETY

prevention ~ protection ~ enforcement

August 25, 2017

Ms. Clare Garvie
Georgetown University Law Center
Center on Privacy and Technology
600 New Jersey Ave. NW
Washington DC 20001

Dear Ms. Garvie:

The South Dakota Department of Public Safety has received your written request for documents and records pursuant to SDCL 1-27 et seq.

Your request is dated July 26, 2017, and I, as the public records officer for the department, received it on August 2, 2017. I confirmed via email on August 16, 2017, that we were evaluating your request and would have a determination soon. You are requesting documents related to Facial Recognition Technology (FRT).

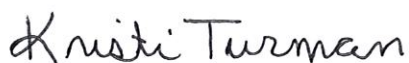
Following is the status of your request:

- Any manuals, memos, policies, or other guidelines (item #1 in your request) for using the FRT system are the property of Morpho Trust (f/k/a L-1) and are exempt from disclosure under SDCL 1-27-1.5 (3) and SDCL 1-27-1.6 (6).
- We do not have a written policy to provide (item #2 in your request). Therefore, we do not have any documents that comply with your request. However, procedurally we only respond to requests that come through the South Dakota Fusion Center, and we have one designated staff person who handles all requests. Policies governing the South Dakota Fusion Center are included in the Fusion Center's Privacy Policy, which can be accessed at: http://dps.sd.gov/homeland_security/documents/fusioncenter-sdprivacypolicy.pdf.
- We do not have any notices, instructions, request forms, or other materials that are issued to external agencies regarding requests to conduct a facial recognition search (item #3 in your request). Therefore, we do not have any documents that comply with your request.

- We do not have any finalized memoranda of understanding (MOUs) or agreements with other state, local, or federal agencies (item #4 in your request). Therefore, we have no documents that comply with your request.
- Working papers of state employees, including requests by outside entities for facial recognition searches (item #5 in your request), are exempt from disclosure under SDCL 1-27-1.5 (12) and 1-27-1.5 (22). Therefore, your request for these documents is denied.
- There have been no audits of the FRT system, and no corresponding paperwork or logs exist (item #6 in your request). Therefore, we have no documents that comply with your request.
- Since we last provided you with records in January 2017, we have executed a new contract with MorphoTrust. The new contract (item #7 in your request) is attached.
- Company manuals providing FRT system components and technical specifications (item #8 in your request) are exempt from disclosure under SDCL 1-27-1.5 (3) and SDCL 1-27-1.6 (6). Therefore, your request for these documents is denied.

If you have any additional questions on this request please direct them to me.

Sincerely,



Kristi Turman
Division Director/Open Records Officer