



September 2, 2003

The Honorable Meyera Oberndorf
Mayor, City of Virginia Beach
2401 Courthouse Drive
City Hall, Building #1
Municipal Center
Virginia Beach, VA 23456

RE: FOIA regarding use of facial recognition technology in Virginia Beach

Dear Mayor Oberndorf:

We are writing in regards to your use of a facial recognition technology system that matches the images of pedestrians scanned by surveillance cameras with images in one or more photographic databases. In order to help determine the effect that this system will have on individual privacy, pursuant to the Virginia Freedom of Information Act, we are requesting all documents in the possession of Virginia Beach officials regarding the use of facial recognition technology.

Our request includes, but is not limited to, any and all documents regarding the following:

- the decision making process that Virginia Beach city officials used to employ facial recognition surveillance systems, including, but not restricted to all documents between Virginia Beach city officials and the private companies providing these systems, memoranda, notes of meetings, reports, evaluations of the reliability and accuracy of these systems, documents pertaining to the City of Virginia Beach's review and approval of the use of the surveillance system, and correspondence, contracts and communications between Virginia Beach and third parties (including, but not restricted to vendors) regarding the use of these systems;
- the locations of all cameras that have been deployed as part of these systems;
- the technical capabilities of these systems, including, but not limited to documents on the total capacity of the system, the total number of images that can be contained within the photo database, the accuracy rates of the system while in operation, the infrared capabilities of these systems, system effectiveness at night, and system usage during nights and weekends;

- any documents related to procedures, instructions and training of any and all Virginia Beach personnel involved in the operation, planning , implementation and procurement of these systems;
- the contents of the image databases, including, but not restricted to the images of people who have been scanned by the biometrics cameras since the cameras went into operation, images of people who were in the biometrics databases before the cameras went into operation, documents as to how these images were selected, how these images were obtained, any documents related to use or possible use of drivers' license photos or any other motor vehicle records as part of this system and criteria for inclusion of new images in the photo databases;
- written procedures for what is done during and after the identification process, including, but not restricted to who makes the identification, logs of all results by the biometrics software program, logs of all comments made by human operators of the system, procedures used by the Virginia Beach Police Department in arresting subjects after they are identified by these camera systems, and past arrests made after identification by these cameras; and
- future plans for these systems.

Please let us know whether the requested documents will be made available in compliance with the Virginia Freedom of Information Act. If you require payment for the copying of these records, please inform us of the charge prior to the copying of the documents.

Sincerely,

Kent Willis
Executive Director
ACLU of Virginia

Barry Steinhardt, Director
Technology and Liberty Program
ACLU National Office

cc: City Attorney Leslie L. Lilley