



Lori Lightfoot
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

Charlie Beck
Interim Superintendent of Police

February 6, 2020

Ms. Beryl Lipton
86486-62628576@requests.muckrock.com

RE: NOTICE OF RESPONSE TO FOIA REQUEST
REQUEST RECEIPT DATE: January 23, 2020
FOIA FILE NO.: P559551

Dear Ms. Lipton:

The Chicago Police Department (CPD) is in receipt of your Freedom of Information Act (FOIA), 5 ILCS 140/1, et seq., request for the following:

"1. ALGORITHM or CODE

Any algorithm or code developed for implementation of or as part of this "software" or program or any related system that conducts calculations or decision making. This includes any algorithm or software developed by or with, given to, used by, purchased or licensed to this agency for implementation of the above referenced program, as well as any algorithm or source code in use by this program or by which this system conducts calculations or decision making. This would include original source code, any compiled binaries (also known as executables), specification documents, spreadsheets, program scripts, and other digital materials used to calculate any data in the above program. Collectively, these responsive materials will be referred to as "the software" in the following paragraphs.

2. INPUT DATA

Any input training data for the "software" or related machine learning algorithms or programs.

For the aspects of the software that require an input (for example, to compute a value), please provide the following in whatever their native format is:

- *a copy of the five most recent sets of data that were used for input, as well as*
- *the five most recent outputs of the software*

If these inputs or outputs include exempt information, please provide all material save for specific information that is specifically exempted by law. Please also provide a description of input and output data fields that will aid in understanding the type of information that is submitted to the software and that is produced by the software.

3. AUDITS, REPORTS, and VALIDATION STUDIES

A copy of all reports concerning or mentioning the "software," including audit records, annual reports that mention the use of the "software," reports to legislative bodies, misuse reports, reports to oversight bodies.

This also includes all impact and validation studies. Please provide a copy of any validation studies conducted with respect to the program or with respect to any software or algorithms used in connection with the program. Please also provide a copy of any records pertaining to inquiries for the need of validation studies or discussion of potential or actual validation studies. A "validation study" in this context is any study designed to assess how accurate the program is in predicting what it is supposed to predict, used to assess whether the program may err in the direction of either under- or overestimating likelihoods or predicted outcomes, or intended to evaluate whether the software does or will produce any results that are biased or unexpected in any way.

4. AGREEMENTS and CONTRACTS

Any and all agreements related to the acquisition and use of this "software," algorithm, or program.

This includes (but is not limited to):

- *all contracts (as well as associated amendments, attachments, and exhibits),*
- *data sharing agreements*
- *insurance agreement*
- *intergovernmental services agreements*
- *licensing agreement*
- *memorandums of understanding, and*
- *nondisclosure agreements*

regarding or relevant to this software or program.

Please provide a copy of any informal agreements, insurance agreements, liability waivers, and warranties that reference this technology or otherwise guide its use or the relationship between this agency, the provider or developer of the "software," or any other partner or entity that may use or access it.

5. BIDDING and PROCUREMENT

A copy of any available or relevant Requests for Expressions of Interest, Requests For Proposal (or equivalent calls for bids), responses to Requests for Expressions of Interest, letters of interest, responses to Requests for Proposal, sole source or limited source justification and approval documentation, documentation of selection, and other materials generated in the consideration and selection of the technology in question.

6. FINANCIAL and FUNDING MATERIALS

Any records related to the financing or funding of this "software," including a copy of any related funding opportunity announcements, grant applications, grantor status/progress reports, purchase orders, invoices, and other memoranda and documentation related to the payment or cost (or lack thereof) of the "software," related technology, personnel, equipment, or other elements concerning this "software" or program.

7. INSTRUCTIONAL MATERIALS and TRAINING

All instructional materials, presentations, and presentation materials (including recorded video and audio, PowerPoint files, prepared remarks, and slides formats), and other guidance on the use of "the software."

This includes any notes taken during meetings that discussed the use of the software, any explanations (whether generated internally or externally) of how the software works, and any other document that has been used to help explain the use of "the software" to any party, including internal documentation, public relations materials, and executive summaries.

This also includes training material governing the use, sharing, or access to the "software" or any data related to or collected by the face recognition software/technology, including the legal standard that is required before using the technology.

This also includes any description of input and output data fields that will aid in understanding the type of information that is submitted to the software, and that is produced by the software.

8. PRIVACY ASSESSMENTS

A copy of any data retention guidelines or policies, data security policies, data security specifications, privacy impact assessments, security audits, or other materials evaluating or guiding the security of the "software" or the privacy of the data involved

9. USE POLICIES

Please provide a copy of any policy directives, guidance documents, memoranda, training materials, or similar records governing the use and function of this technology for immigration, law enforcement, or any purpose, including all those related to data retention, permissible and impermissible use, and security standards. This would include materials that describe the application, function, and use of the "software," including advertisements, emails, handouts, usage policies, PowerPoint presentations, specification documents, or standard operating procedures.

10. COMMUNICATION and MARKETING MATERIALS

All communications or marketing materials relevant to or mentioning this "software" or program.

This includes any correspondence between any staff at this agency with any other organization or vendor relevant to the use of the aforementioned technology or program, including records related to meetings or follow-up actions with any vendors, companies, or other private entities marketing this technology for immigration, intelligence, law enforcement, or any use. This also includes correspondence in the form of emails, email attachments, paper letters, text message, and any other form of correspondence, as well as all marketing materials - unsolicited, requested, or otherwise - acquired from vendors of this technology.

Please provided first the existing contract and associated attachments. If negotiation or limitations are required for portions of this request, please let me know."

As permitted by 5 ILCS 140/3(e), the time was extended in order to conduct a thorough search for these records. Your request was reviewed by the undersigned. A search was conducted based on the parameters provided.

Part 1: A search of CPD records proved negative for responsive records.

Part 2: Please be advised that the requested records are denied pursuant to 5 ILCS 140/7(1)(c) which exempts from disclosure, "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." Third-parties, such as the names of suspects who were never arrested, have a strong interest in keeping their identity private. Therefore, if in fact such records exist, they must be denied pursuant to Section 7(1)(c) of FOIA.

Parts 3, 4, 5, 6, 7, and 9: You are receiving records that were provided to a Congressional inquiry, as well as updated materials. However, please be aware that certain information has been redacted pursuant to 5 ILCS 140/7(1)(b). The information that was redacted is signatures. The redacted information is exempt from disclosure under 5 ILCS 140/7(1)(b) of the Freedom of Information Act, which exempts "private information, unless disclosure is required by another provision of this Act, a State or federal law or court order." "Private information" is defined in section 2(c-5) as "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses." Therefore, these identifiers were properly redacted pursuant to Section 7(1)(b). Furthermore, signatures are unique identifiers and, therefore, an exempt form of private information. See 2010 PAC 9838 (Ill. Att'y Gen. PAC Req. Rev. Ltr. 9838, issued December 10, 2010, at 2).

Part 8: You are receiving the Crime Prevention & Information Center (CPIC) Privacy Policy.

Part 10: Please be advised that given the scope of this part of your request, processing such a request would be unduly burdensome as written. Section 3(g) of FOIA provides that "requests for all records falling within a category shall be

complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information.” 5 ILCS 140/3(g). For instance, for *including records related to meetings or follow-up actions,...* *correspondence in the form of emails, email attachments, paper letters, text message...* there are no identified search terms, nor names and/or email addresses of those you want the search conducted on, without which CPD cannot conduct a productive search. Therefore, your request for *all communications or marketing materials* alone is unduly burdensome as currently written. In order to effectively run a search, CPD needs (1) the email address(es) or employee name(s) of the account(s) you wish searched; (2) key words you wish to search for; and (3) the timeframe to be searched. And this is not even inclusive of all other records for that part of your request. At this time your request as currently written has been interpreted as unduly burdensome. It should be emphasized that the Act neither requires nor allows CPD to speculate as to the details of any request; this information can only be provided by the petitioner.

You have a right of review by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General, 500 S. 2nd Street, Springfield, Illinois 62706, by telephone at (877)299-3642, fax at (217)782-1396, or email at publicaccess@atg.state.il.us. You also have the right to seek judicial review by filing a lawsuit in Cook County Circuit Court.

Sincerely,

A. Shulruff
Freedom of Information Act Officer
Chicago Police Department
Office of Legal Affairs, Unit 114
3510 S. Michigan Ave.
Chicago, IL 60653