

July 14, 2020

Hector Dominguez
c/o Bureau of Planning and Sustainability
1900 SW 4th Ave, Suite 7100
Portland, OR 9720

Dear Hector,

Thank you for the thoughtful and collaborative approach you and your colleagues have led in crafting the city's bold set of actions on facial recognition technology. Through every step, you have been open to questions and concerns – while keeping the driving values central in each discussion.

As we have discussed, there are principled and good reasons for concern over the private use of facial recognition technology. That said, there is a distinct difference between the general public use of “facial recognition technology” and the limited “facial authentication” processes being implemented at airports. Both technologies rely on biometrics, but they have very different purposes and outcomes.

Unlike use of the technology in other venues (retail stores or street surveillance, for example), passenger processing is different in that it is used for *authentication and verification* – the process of confirming that a traveler is who they say they are.

The process uses a single image captured at the time of travel, which is immediately compared with a previously supplied image in a trusted data source. For example, the facial authentication process for international travelers at Portland International Airport (PDX) works by comparing a picture of the passenger taken at the gate with a picture from a passport or visa within a federal data base, for the sole purpose of confirming identity and allowing the passenger to proceed.

Most travelers can opt out if they so choose (federal law requires it be used for foreign nationals), a right they are explicitly informed of. Should a traveler opt-out, or if the system fails to verify identity - the traveler is screened the traditional way (by handing the gate agent a boarding pass and identification).

To improve security, federal law guides the use of facial authentication technology for the screening of international travelers, and this technology is being deployed at airports across the country – including PDX. Under current protocols, neither an airline or airport operator keeps any data connected with the passenger screening process; in fact, Customs and Border Protection requires that the local data be purged.

Airports are publicly owned, but the functions within are carried out by both public and private partners. Whether it's the port, the FAA, the TSA, or the airlines – all parties coordinate to carry out the safety and security of air travel. The emergence of COVID-19 added a whole new layer to the discussion of safety in air travel. In order to be and feel safe traveling, travelers need to move through airport systems quickly, pass fewer items back and forth and have as little physical contact as possible with other people. As we

contemplate how to safely accommodate return to travel, facial authentication systems are an important tool to keep in protecting the health of travelers and workers alike.

For these reasons, we are requesting a minor modification to your proposed code language. The exemption for verification should be modified to read: “For verification purposes to access personal communication and electronic devices, or for air carrier passenger processing;”. This is a narrow exemption that would not apply to other functions within the airport. Thank you again for helping us think through this exemption. It feels like the right solution in that it accommodates essential functions while not undermining the very solid rationale behind the city’s policy.

Sincerely,

Emerald Bogue

Director, Regional Government and Community Affairs

CC: Derek Bradley, Office of Commissioner Hardesty
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