

NY Civil Liberties Union Takes Aim at School's Shape Recognition System

August 30, 2018



(TNS) — New York Civil Liberties Union on Wednesday took Lockport City School District officials to task for their handling of a multi-million-dollar project to implement a new high-tech shape recognition system in district schools.

After reviewing internal communications and documents related to the project, NYCLU posted a summary of findings to its website that calls into question both the adequacy of the district's attempts to solicit public input before moving forward, and administration's grasp of cybersecurity issues.

In addition, the summary takes issue with the involvement of a private consultant who has been assisting the district with the system's implementation, suggesting his connection to a licensing agreement for system software amounts to "self dealing."

"As parents, defenders of civil liberties and privacy advocates, we were worried when we first heard that a school district in upstate New York was planning to install facial recognition in its schools," the NYCLU noted in its report. "Schools should be safe places for students to learn, not spaces where they are constantly surveilled."

"The hundreds of documents and emails we received through the records request did little to allay our concerns," the report continued.

District officials are moving forward with a \$3.3 million contract with Ferguson Electric to install a shape recognition surveillance system in all district schools. Administrators previously told the US&J that their goal is to have the cameras operational for the beginning of the school year.

The system reportedly would recognize and alert district officials to the presence of persons who aren't supposed to be on school property, as well as the possible presence of certain guns.

NYCLU, which focuses on efforts to preserve individual rights and liberties for New Yorkers, previously argued that facial recognition technology has the potential to violate the rights of students and faculty members in Lockport.

On June 18, the organization sent a letter to the Lockport district and the New York State Department of Education expressing its concerns about the project and asking for documents relating to the planning process, as well as information about policies guiding the use of facial recognition technology in schools.

The report issued Wednesday was based on a review of dozens of internal documents and pieces of correspondence obtained through a formal request made to the school district under the state's Freedom of Information Law. The findings are broken up into two main categories: "What we found" and "What we didn't find."

Public engagement effort called into question

Under the "What we found" section, NYCLU criticized district officials for "certifying to the state that stakeholders were engaged" in the project planning process for the project while the documents it obtained show the district held only one public hearing to introduce the community to the idea of using state money to acquire the surveillance technology.

The report notes that it was after this hearing, in August 2016, that school officials voted to move forward with the application to acquire the technology through New York's Smart Schools Bond Act.

"That meeting was in the middle of a weekday afternoon in August, when many parents are at work or out of town," NYCLU wrote in its summary. "There were no emails or flyers showing engagement of students and parents in the process of deciding to adopt this technology. In fact, the head of the Lockport Education Association told a reporter they were not consulted."

In its report, NYCLU also suggests security consultant Tony Olivo, who encouraged the district to employ the facial recognition technology, also benefited from the arrangement financially. The report notes that Olivo made a presentation to the district about the technology and worked with the district to determine that it could use Smart Schools Bond Act funds to purchase it.

"Olivo's company was also paid part of the multi-million dollar fee that went to Ferguson Electric, which was responsible for installing the system," the report stated.

Reached by telephone on Wednesday, Olivo declined comment and referred all questions to district officials.

In a statement issued following the release of the NYCLU report, district Superintendent Michelle Bradley said the organization's summary of findings appears to be based solely on a review of requested documents, which she said does not tell the full story about the project.

"FOIL merely entitles the applicant to certain existing documents, which does not include a range of inter-agency communications," Bradley said. "FOIL also does not cover the innumerable communications and conversations within the district, and between the district and its consultants, contractors and attorneys, that have been undertaken to ensure that the AEGIS System is implemented effectively and in accordance with law."

Where's the map for navigating a new world?

In the "what we did not find" portion of its report, NYCLU laments what it describes as the lack of a policy for limiting who has access to data collected by the recognition system.

It also indicates that there's no specific information about how the list of "unwanted persons" will be created or updated, procedures or training materials to explain to staff what happens when an "unwanted person" is identified and no "research or studies on the effectiveness of facial recognition technology."

The report closes with a series of questions, including who will have access to the database, what information will be shared with local or federal law enforcement, what warrants a person being added to the "unwanted" database and whether the system will be used to crack down on minor misbehavior and enforce a school's code of conduct.

"The state department of education has said that they are working with the Lockport School District to develop model policies, but there is still a serious lack of clarity about how the system will be deployed in schools," NYCLU concluded.

In her statement, Bradley suggested that, had the NYCLU "engaged in a meaningful conversation" with district officials, it would have a better understanding of how the Aegis system will work.

She said NYCLU's assertion that the images of students, teachers and parents will be continually scanned and uploaded to a database is simply wrong.

The system will provide an alert when a flagged person or object appears in the video feed of a camera, Bradley said. It does not continually scan and upload images from the video feed to a database, she added.

In regard to NYCLU's criticism of the district's handling of the public input process required under the guidelines for the Smart Schools Bond Act, Bradley contends that the district received all necessary approvals and was in compliance with all legal requirements.

An editor's note at the end of NYCLU's summary of findings explains that the organization did not post all of the information it received from the district because some of it contained personal information.

"The documents provided to us were so expansive that they included access information for internal servers, private student files, and passwords for programs and email accounts," the report notes. None of the documents obtained by NYCLU were redacted, according to the organization's Education Counsel Stefanie Coyle.

While she said such notes are not common when her organization releases its findings, Coyle felt it was warranted in this case, noting that it "even understates our concerns a bit."

NYCLU blasted district officials' "lack of familiarity with cybersecurity," saying the "complete absence of common sense redactions of sensitive private information speaks volumes about the district's lack of preparation to safely store and collect biometric data."

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