

Diamond, Joshua

From: Johnson, Jaye
Sent: Friday, May 26, 2017 12:06 PM
To: Diamond, Joshua; Thompson, Julio
Subject: FW: ACLU's DMV inquiry

Hi Josh and Julio – FYI- on the DMV issue, I just saw the ACLU communication yesterday and obviously the press was all over it and we directed DMV to halt the program until we were clear on the impact of 23 VSA 634(c). Rebecca Kelley, our Communications Director reached out to Natalie (see email below), and then clarified for me this morning what she told the press about what we knew about AG involvement. Let me know if you have any questions. It would also be great if you could keep me in the loop on any opinion you may have on the issues raised by ACLU. They really only cite to one law, and have advised me in communication the rest of it is policy, but I believe there are other State and federal law on the privacy issues (18 USC 2721 and 23 VSA 104) and I would be interested what your thoughts are on the disparate impact claim. Thanks so much. Jaye

From: Kelley, Rebecca
Sent: Friday, May 26, 2017 11:27 AM
To: Johnson, Jaye <Jaye.Johnson@vermont.gov>
Subject: FW: ACLU's DMV inquiry

Hi Jaye – As I also just mentioned, the only thing I've said to press re: the AGO is that it's my understanding a meeting is scheduled for the end of the month, but that I'm not aware of what the process or timeframe would be for their review/opinion and whether that is a process that was intended to begin before or after that meeting. Brittney directed DMV to request the review on the 24th and we were told yesterday this meeting was scheduled for the 31st.

Thanks,
Rebecca Kelley
Communications Director
Office of the Governor
(802) 828-6403 (o)
(802) 622-4047 (m)

109 State Street
Montpelier, VT 05609

From: Kelley, Rebecca
Sent: Thursday, May 25, 2017 5:24 PM
To: Silver, Natalie <Natalie.Silver@vermont.gov>
Subject: ACLU's DMV inquiry

Hi Natalie,

As a heads up, the Governor has directed the DMV to suspend its facial recognition program while we await the AGO analysis stemming from the ACLU inquiry. It's my understanding DMV has a meeting scheduled with the AGO for May 31, but we have asked for the program to be suspended, beginning today.

As you can imagine, we've received media inquiries on the matter so I wanted to share with you our statement:

Despite initial details indicating the use of the facial recognition program is compliant with state and federal law, it has come to the Administration's attention that a thorough legal analysis on use of the program has not yet been

completed. In the absence of that legal opinion, Governor Phil Scott has directed the Department of Motor Vehicles to suspend use of the facial recognition program pending a legal analysis from the Attorney General's Office.

Feel free to give me a call with any questions.

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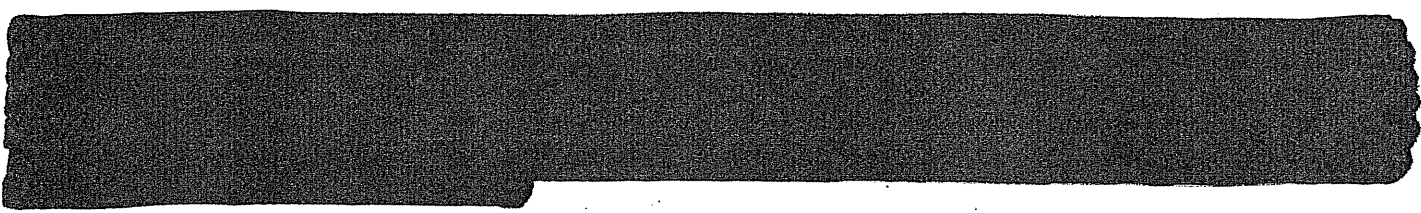
109 State Street
Montpelier, VT 05609

Diamond, Joshua

From: Thompson, Julio
Sent: Friday, May 26, 2017 2:18 PM
To: Johnson, Jaye; Diamond, Joshua
Cc: Treadwell, John
Subject: RE: ACLU's DMV inquiry

Thanks, Jaye.

We are taking indeed taking a look at this. I am copying John Treadwell as he is part of group undertaking the legal analysis.




Julio

Julio A. Thompson, Esq.
Director, Civil Rights Unit
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Montpelier, Vermont 05609

Tel: 802.828.5519

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E-Mail: julio.thompson@vermont.gov ← (please note my new email address)

 Please consider the environment before printing this e-mail

From: Johnson, Jaye
Sent: Friday, May 26, 2017 12:06 PM
To: Diamond, Joshua <Joshua.Diamond@vermont.gov>; Thompson, Julio <julio.thompson@vermont.gov>
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Montpelier, VT 05609

Diamond, Joshua

From: Diamond, Joshua
Sent: Friday, May 26, 2017 3:50 PM
To: Johnson, Jaye; Thompson, Julio
Subject: RE: ACLU's DMV inquiry

Jaye,

We'll keep you updated...probably have more to discuss after Wednesday's meetings.

Josh

Joshua R. Diamond, Deputy Attorney General
Vermont Attorney General's Office
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Montpelier, VT 05609

From: Flynn, Joe

Sent: Thursday, May 25, 2017 3:02 PM

To: Ide, Robert <Robert.Ide@vermont.gov>; Dunleavy, John <John.Dunleavy@vermont.gov>

Cc: Wilson, Brittney <Brittney.Wilson@vermont.gov>; Flynn, Joe <Joe.Flynn@vermont.gov>

Subject: Facial Recognition

Commissioner Ide, Assistant Attorney General Dunleavy-

Commissioner,

As a matter of prudence I am instructing that, effective immediately, the Department of Motor Vehicles suspend all use of the Facial Recognition database until such time as a legal opinion has been rendered by the Attorney General's Office.

Assistant Attorney General Dunleavy,

Please provide a legal opinion regarding the use of the Facial Recognition database by the Department of Motor Vehicles.

Thank you,

Joe

Joe Flynn, Secretary
Vermont Agency of Transportation
1 National Life Drive
Montpelier, Vermont 05633-5001

802-828-2657

joe.flynn@vermont.gov

vtrans.vermont.gov