



Maine Municipal Association

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Testimony of the Maine Municipal Association

Neither for Nor Against

LD 1585- *An Act To Increase Privacy and Security by Prohibiting the Use of Facial Surveillance by Certain Government Employees and Officials*

May 12, 2021

Senator Deschambault, Representative Warren and members of the Criminal Justice and Public Safety Committee. My name is Rebecca Graham, and I am submitting testimony neither for nor against LD 1585, *An Act To Increase Privacy and Security by Prohibiting the Use of Facial Surveillance by Certain Government Employees and Officials*, because our Legislative Policy Committee will meet tomorrow to establish our official position on this bill.

In general, the Association understands this type of technology is not widespread in the Maine public sector, though the technology is widely used in the private sector including to access your phone, or analyze your pictures voluntarily uploaded to a variety of social media platforms.

That said, it is a vital tool in identifying child victims of sexual assault and abuse from material that is shared between perpetrators in online environments. It would be impossible to obtain a warrant to analyze such data in advance when the identities of the victims and perpetrators are not known or even if data retrieved in Maine is where the recorded incidents occurred. It is important that this data be collected and retained by any agency using the technology for such purposes.

Additionally, such data is required to be collected and retained by public officials to meet requirements for certain governmental positions, or as part of an application process for a foreign visa to countries such as the United Kingdom, that requires biometric data to be submitted before permissions are issued. It is this use that is missing from the bill as written, and the committee should consider including such uses under Sec. 6001 2(b). Applicants knowingly submit this data, and the committee should consider exempting acknowledged, voluntary submission of biometric data including facial recognition and retention of that data as a protected government activity.

If the committee has not held the work session on this bill before our Legislative Policy Committee has taken its official position, I will resubmit supplemental testimony following out Thursday meeting.