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**TESTIMONY IN SUPPORT OF 17-H 5211, RELATING TO MOTOR AND OTHER  
VEHICLES  
February 7, 2017**

The ACLU supports this legislation that seeks to protect individual's privacy from unwarranted sharing of photos or digital images with the Federal Bureau of Investigation or any other federal law enforcement agency in an effort to protect the right to privacy of all Rhode Islanders.

According to a report from the General Accountability Office (GAO) released to the public in June 2016, Rhode Island was set to become one of 18 states in the process of negotiating Memorandums of Understanding with the FBI to facilitate their access to driver's license images for purposes of facial recognition matching. At that time, the ACLU raised concerns about it and the DMV agreed to not proceed with any MOU's, however, passing this legislation is imperative to make sure this is always the case.

There are many concerns that arise from a potential collaboration with the FBI or any other federal law enforcement agencies and the use of facial recognition systems. First, there are serious questions about the accuracy and the rate of false positives generated by the program, since according to the findings from the GAO report, the FBI has insufficiently tested the systems to determine their accuracy. The negative impact of mistakes is magnified when information currently collected and analyzed for one purpose – obtaining a legal license to operate a motor vehicle – is used for another: matching images of Rhode Island drivers to people of interest to the FBI. For people inaccurately identified by facial recognition algorithms at the DMV, the result at present is probably a frustrating inconvenience, perhaps requiring an additional trip to the DMV to fix the problem. But much more serious civil liberties and civil rights violations could follow if the FBI is granted routine access to the DMV database of driver images.

Second, facial recognition systems threaten the constitutional right to anonymously criticize the government, and could subject people not suspected of criminal activity to law enforcement scrutiny simply by virtue of going outside, posting an image on social media, or obtaining a driver's license. This is not mere speculation or paranoia. After September 11, 2001, the FBI changed its policies to allow its agents to conduct investigations on Americans absent any suspicion of criminal wrongdoing. Since then, the FBI has investigated activists involved with the Occupy, Black Lives Matter, and environmental justice movements, among many others.

Rhode Island residents do not knowingly sign up for such surveillance when they get their driver's licenses at the DMV. Passing this legislation will ensure that their constitutional right to privacy is protected.