Data Privacy

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Topics:

- DOL's use of facial recognition technology

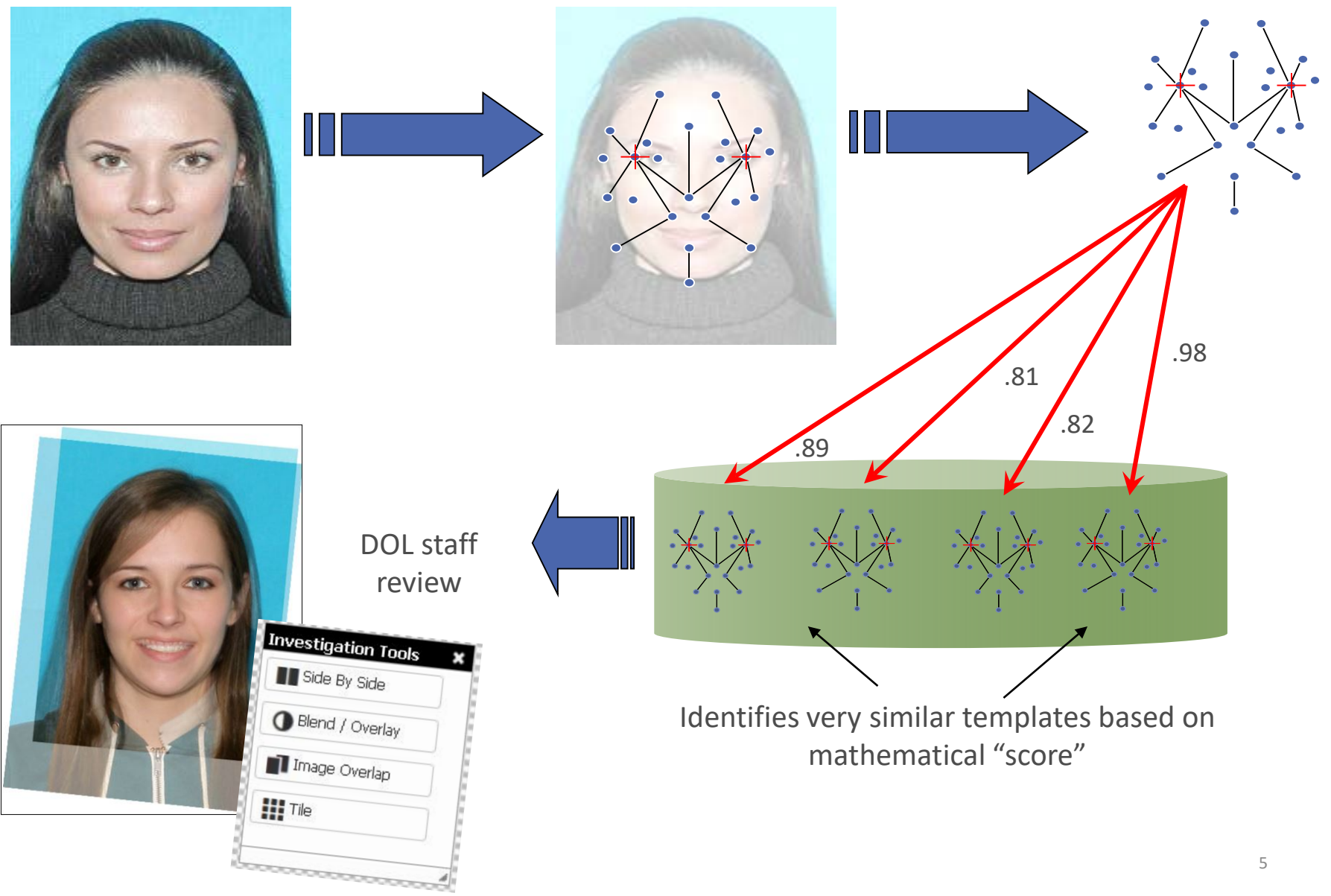- Overview of agency privacy protection efforts

Facial recognition technology

Why DOL uses facial recognition

- To ensure applicant does not have more than one driver's license or ID issued under a different identity.

- State law passed in 2007 requires facial recognition for Enhanced Driver's Licenses and ID Cards (EDL/EID).

  ➢ EDL/EID are Washington's REAL ID compliant documents.

  ➢ REAL ID Act requires reasonable efforts to ensure applicant does not have a license or ID card under different identity.

- State law passed in 2012 authorizes facial recognition when issuing a standard driver's license or ID card.

Facial recognition technology

How it works

- When a person applies for a driver's license/ID, facial recognition system creates a digital template of the person's photo.

- Template is mathematical representation of photo using features that don't usually change, such as eye sockets and cheek bones.

- System returns templates that are very similar, reviewed by DOL staff trained in facial comparison.

Facial recognition technology

.98

.81

.82

.89

DOL staff review

Investigation Tools

- Side By Side
- Blend / Overlay
- Image Overlap
- Tile

Identifies very similar templates based on mathematical "score"

What happens when DOL finds a match?

- DOL staff review to see if match is result of administrative issue, such as name change or person being a twin.

- If needed, staff conduct a multi-tier investigation (reviewed by supervisor and peers) to determine if someone has violated state law, for example:

  ➢ Acquiring someone else's identity for financial gain

  ➢ Creating an alias to avoid a license suspension

What happens when DOL finds a match? (con't)

- If DOL determines the person violated state law, DOL notifies person and offers due process.

- Depending on violation, actions may include license suspension up to 364 days.

- Cases involving 3 or more victims and more than $5,000 financial loss are referred to the WSP Identity Theft Unit.

Facial recognition technology

Facial recognition statistics

	Number of issuance transactions	Investigations initiated by DOL	Total number of suspensions	Number of cases referred to law enforcement
2016	1,963,249	1,035	269	6
2017	1,877,864	948	117	2
2018	1,859,053	469	96	1

Data privacy

- DOL does not provide access to facial recognition database to any outside entity.

- Per state law, DOL will run a photo through facial recognition for a local, state or federal law enforcement entity with a court order.

- If a match occurs, DOL provides:
  - ➢ Name
  - ➢ Photo
  - ➢ Date of birth
  - ➢ Driver license or ID card number
  - ➢ Card issuance date

Data privacy efforts

In 2018:

- Stopped asking for place of birth and mother's maiden name on driver license/ID card application.

- Stopped including Social Security Numbers in database accessed by law enforcement.

- Cancelled 4 driver and plate search contracts with Immigration and Customs Enforcement offices.

- Required 9 other Department of Homeland Security agencies to sign new driver and plate search contracts prohibiting immigration-related use. 7 declined.

- Centralized requests from local, state, and federal agencies.
  - ➢ Any potentially immigration related requests goes through a three-tier review, including Governor's Office.

Current and future efforts

2019 Legislature funded $2.4 million for DOL data stewardship and privacy protection:

- Hiring a chief data privacy officer

- Additional auditors for data sharing contract compliance

- Partial funding for staff and software to establish the data analytics

- By December 31, 2019, DOL must provide the legislature a data stewardship framework and goals, working with the Office of the Chief Information Officer