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**PROPOSED MOTION 2019-XX:
OF THE PORT OF SEATTLE COMMISSION**

adopting guiding principles for the public-facing use of biometric technology at Port of Seattle facilities and establishing a working group to develop policy recommendations governing public-facing biometric use at the Port.

**PROPOSED
DECEMBER 10, 2019**

INTRODUCTION

Biometrics is the measurement and analysis of physical and behavioral characteristics that are used to identify individuals through technology. An example of a physical characteristic includes the unique features of an individual's face or their fingerprint. An example of a behavioral characteristic includes an individual's voice, signature, or how they walk.

The Port of Seattle has long used various forms of biometrics at its aviation and maritime facilities – for access control and verification of employee, contractor, vendor, consultant identity. However, biometric technology – particularly facial recognition – is increasingly being deployed on the customer-facing side of airport and cruise operations, as both an identity validation as well as a customer facilitation tool to speed up check-in, boarding and screening processes.

As with any developing technology, public sector leaders have an obligation to ensure appropriate and responsible use of not only the technology itself, but the related data that is generated. The Port Commission believes proper biometric policy should balance operational needs, business priorities and regulatory mandates with protections for the interests and rights of passengers, employees and other visitors to our facilities.

TEXT OF THE MOTION

Port of Seattle Principles for Public-Facing Biometric Technology

The Commission hereby adopts the following principles to guide the use of public-facing biometric technology at Port of Seattle facilities:

- 1) **Voluntary:** The use of biometrics to identify and validate travelers through Port facilities should be voluntary, and reasonable alternatives should be provided for those who do not wish to participate – through a convenient “opt-in” or “opt-out” process, except in

42 specific situations authorized by the Port or required by federal law such as U.S.
43 Customs and Border Protection’s (CBP) entry and exit requirements for non-U.S.
44 citizens. Unintended capture of data by biometric technology from those travelers
45 opting out of such biometric data collection, or of any non-travelers or other visitors at
46 the airport, should be prevented; any unintended capture of this data should not be
47 stored.

- 48 2) **Private:** Data collected by biometric technology at Port facilities or by Port employees
49 from travelers through Port facilities should be stored for no longer than required by
50 applicable law or regulations, and should be protected against unauthorized access. The
51 Port opposes this data being knowingly sold or used for commercial purposes unrelated
52 to processing travelers at Port facilities without their clear and informed consent.
- 53 3) **Equitable:** The Port opposes discrimination or systemic bias based on religion, age,
54 gender, race or other demographic identifiers. Biometric technology used at Port
55 facilities or by Port employees should be reasonably accurate in identifying people of all
56 backgrounds, and systems should be in place to treat mismatching issues with proper
57 cultural sensitivity and discretion.
- 58 4) **Transparent:** Use of biometric technology for passenger processing at Port facilities
59 should be communicated to visitors and travelers. Individuals should be notified about
60 any collection of their biometric data to facilitate travel at Port facilities, and how that
61 data may be used, in easily understood terms.
- 62 5) **Lawful:** Use of biometric technology and/or access to associated biometric data
63 collected should comply with all laws, including privacy laws and laws prohibiting
64 discrimination or illegal search against individuals or groups.
- 65 6) **Ethical:** The Port and its partners should act ethically when deploying biometric
66 technology or handling biometric data. Ethical behavior means actions which respect
67 key moral principles that include honesty, fairness, equality, dignity, diversity and
68 individual rights. In particular, use of biometrics at Port facilities should comply with
69 Resolution No. 3747, establishing the Port’s Welcoming Port Policy Directive to increase
70 engagement with, and support for, immigrant and refugee communities.
- 71 7) **Justified:** Biometric technology at Port facilities should be used only for a clear intended
72 purpose that furthers a specific operational need. The Port does not condone biometrics
73 for “mass surveillance” – for example, use of facial recognition on large groups of people
74 without a lawful purpose, rather than single-use for travelers.

75
76 These principles will apply until a more comprehensive policy is put in place, through the
77 working group process laid out below.

78 79 *Implementation of Biometric Principles*

80 For Port and private sector partner use at Port facilities, any proposed new or expanded use of
81 public-facing biometric technology should demonstrate alignment with these principles. Port
82 leadership will implement an interim review and approval process while long-term policy is
83 under development. Any proposal for new or expanded use of public-facing biometric
84 technology during this time period will be communicated in advance directly to the Port
85 Commission and through the Port’s external communications channels. The use of public-facing

86 biometric technology at Port facilities is subject at all times to the Port’s requirements, which
87 may be revised and changed following implementation of Port policies through the working
88 group process described below.

89
90 Because the Port does not have jurisdiction over the use of biometrics by the federal
91 government at our facilities, the Port will communicate these principles to CBP and other
92 federal partners such as the U.S. Transportation Security Administration (TSA) and U.S. Coast
93 Guard. We will not only notify them of our desired standards, but also work with these agencies
94 and Congress to ensure that federal programs in place at Port facilities are aligned as closely as
95 possible with Port policy regarding utilization of public-facing biometric technology.

96
97 Through this motion, a Port working group shall be established to develop further
98 recommendations governing Port policy related to use of public-facing biometric technology.
99 Issues to be addressed by this working group include:

- 100 • the strategic use and objectives of biometrics;
- 101 • procurement;
- 102 • transparency and accountability for biometric implementation;
- 103 • auditing of this technology to ensure compliance and accuracy;
- 104 • handling biometric data collected and stored from the technology;
- 105 • protection of personally identifying information;
- 106 • data security protocols and protection from unlawful or unauthorized access;
- 107 • alignment with the Port’s Welcoming Port Policy;
- 108 • state and federal policy priorities;
- 109 • outreach and public awareness strategy to prepare travelers and community members;
- 110 • and any other relevant topics that arise.

111
112 In addition, the working group should develop a comprehensive list of known public-facing
113 biometric implementation being planned at Port facilities over the next five years.

114
115 The working group will include, but not be limited to, representatives from the following Port
116 departments: Aviation Security; Aviation Operations; Airport Innovation; Maritime Security;
117 Maritime Operations; Commission Office; Office of Equity, Diversity & Inclusion; Information
118 and Communications Technology; Information Security; Government Relations; Legal; and
119 Police. The working group shall also seek input from community stakeholders. The policy
120 recommendations shall be delivered to Commission by the 2nd quarter of 2020, and the
121 Commission may create an ad hoc, limited term Commission Committee to oversee these
122 efforts.

123
124 **STATEMENT IN SUPPORT OF THE MOTION**
125

126 Due to technological advances, perceived customer benefits and federal requirements, there
127 will be a significant increase in public-facing facial recognition technology deployment by public
128 and private sector users over the next few years, including in airport and seaport settings that

129 will impact travelers and other visitors to our facilities. In advance of this expansion, the Port
130 Commission believes that it has an obligation to institute proper policy frameworks and clear
131 guidelines to reduce potential misuse and abuse, while improving public understanding of the
132 benefits and risks. Specifically, the Port must ensure individual privacy, civil liberties, and
133 equity, and that biometric technology and use of the associated data is aligned with state and
134 federal laws intended to protect those rights.

135

136 Biometrics are used in various forms at the Port’s aviation and maritime facilities:

- 137 • Across the Port, Port-issued identification cards currently utilize fingerprint biometrics
138 to access secure or restricted areas or to permit authorized personnel access to Port
139 facilities outside of normal business hours or in locations where there is no other
140 monitoring of access. In addition, many Port employees are issued iPhones with
141 fingerprint and facial recognition as an alternative to password protection, and facial
142 recognition is also used on Microsoft Windows 10.
- 143 • At Seattle-Tacoma International Airport (Sea-Tac), airport employees are required to
144 scan their fingerprint at many secure doors throughout the facility. Sea-Tac also offers
145 travelers the option of using CLEAR to validate the identity of a traveler as they process
146 through TSA checkpoints using biometric technology instead of using traditional
147 identification and validation methods.
- 148 • On the maritime side, biometric data is required by federal regulation for issuance of
149 TSA-issued Transportation Worker Identification Credential (TWIC) smart cards that are
150 required to access maritime facilities regulated by the U.S. Coast Guard and cruise
151 terminal operational areas. In addition, the cruise industry is increasingly taking
152 advantage of biometrics as a passenger facilitation tool; for example Norwegian Cruise
153 Line and CBP have partnered for use of facial recognition for disembarkation of guests at
154 Pier 66.

155

156 One of the leading drivers of the expected deployment of public-facing biometrics over the next
157 few years is implementation by CBP of a Congressionally mandated biometric exit-entry
158 screening process for international air passengers. Sea-Tac’s International Arrivals Facility will
159 incorporate facial recognition for almost all arriving passengers (other than those U.S. citizens
160 who opt-out), and CBP is working with the Port and its airline partners to incorporate this
161 technology into departing international passenger processes.

162

163 Facial recognition is also increasingly being utilized by the Port’s private sector partners. Delta
164 Air Lines opened the first full biometric airport terminal in Atlanta in November 2018, and is
165 working to bring aspects of their “curb to gate” experience to Sea-Tac. Similarly, many of the
166 Port’s cruise partners are working to streamline the check-in and boarding process for their
167 travelers through facial recognition.

168

169 Some members of the public and various advocacy organizations have expressed concerns
170 about the rapidly expanding use of facial recognition. These stakeholders have raised issues
171 around privacy, equity and civil liberties, although their main focus has been on broad law
172 enforcement use of this technology for “mass surveillance” rather than the kind of customer

173 facilitation uses that are being considered at Port facilities. They support the use of appropriate
174 regulation to ensure protections against abuse, discrimination and unintended consequences.

DRAFT