

PUBLIC-FACING BIOMETRICS AT PORT FACILITIES

External Advisory Group

Meeting #3

Friday, March 6, 2020

Today's Agenda

- Welcome & introductions
- Purpose, roles, and ground rules
- Update on Port Biometric Policy process
- Summary of *Biometric Air Exit* (use case) revisions
- Basics of *Non-Federally Mandated Biometrics for Passenger Processing* (use case)
- Review, discussion, and feedback on new use cases recommendations
- Next steps
- Adjourn

Welcome & Introductions

Welcome & Introductions

- Name
- Preferred pronouns
- Organization
- What lens(es) do you bring forth to inform the development of biometric technology policy?

Roster

Adele Fasano	US Customs and Border Protection
Dana Debel	Delta Air Lines
Elizabeth Tauben	Norwegian Cruise Line Holdings (Norwegian Cruise Line & Oceania Cruises)
Eric Holzapfel	Entre Hermanos
Jennifer Lee	ACLU
Jennifer Thibodeau	Amazon Web Services
McKenna Lux	CAIR-WA
Ian Balgent-Scales	Virgin Atlantic Airways
Irene Plenefisch	Microsoft Corporation
Jevin West	University of Washington
Russell Benford	Royal Caribbean (Royal Caribbean & Celebrity Cruises)
Nina Moses	US Transportation Security Administration
Rich Stolz	One America
Sasha Bernhard	Office of US Rep Suzan DelBene
Scott Kennedy	Alaska Airlines
Sheri Sawyer	Office of Washington State Governor Jay Inslee
Suzanne Juneau	Puget Sound Business Travel Association
Victoria Sipe	Holland America Group (Holland, Princess & Seabourn)
Yazmin Medhl	Office of US Rep Pramila Jayapal

Purpose, Roles, Ground Rules

Purpose of Internal Working Group

- To **deliver policy recommendations** governing the use of public-facing biometric technology at Port facilities that balance:
 - Operational needs
 - Business priorities
 - Regulatory mandates
 - Protections for interests and rights of passengers, employees, and visitors to Port facilities
- Due to Commission by the end of 2nd Quarter 2020

Role of External Advisory Group

- To **advise and guide** the *Internal Working Group's* development of policies to govern public-facing biometric technology in Port operations.

Role of External Advisory Group

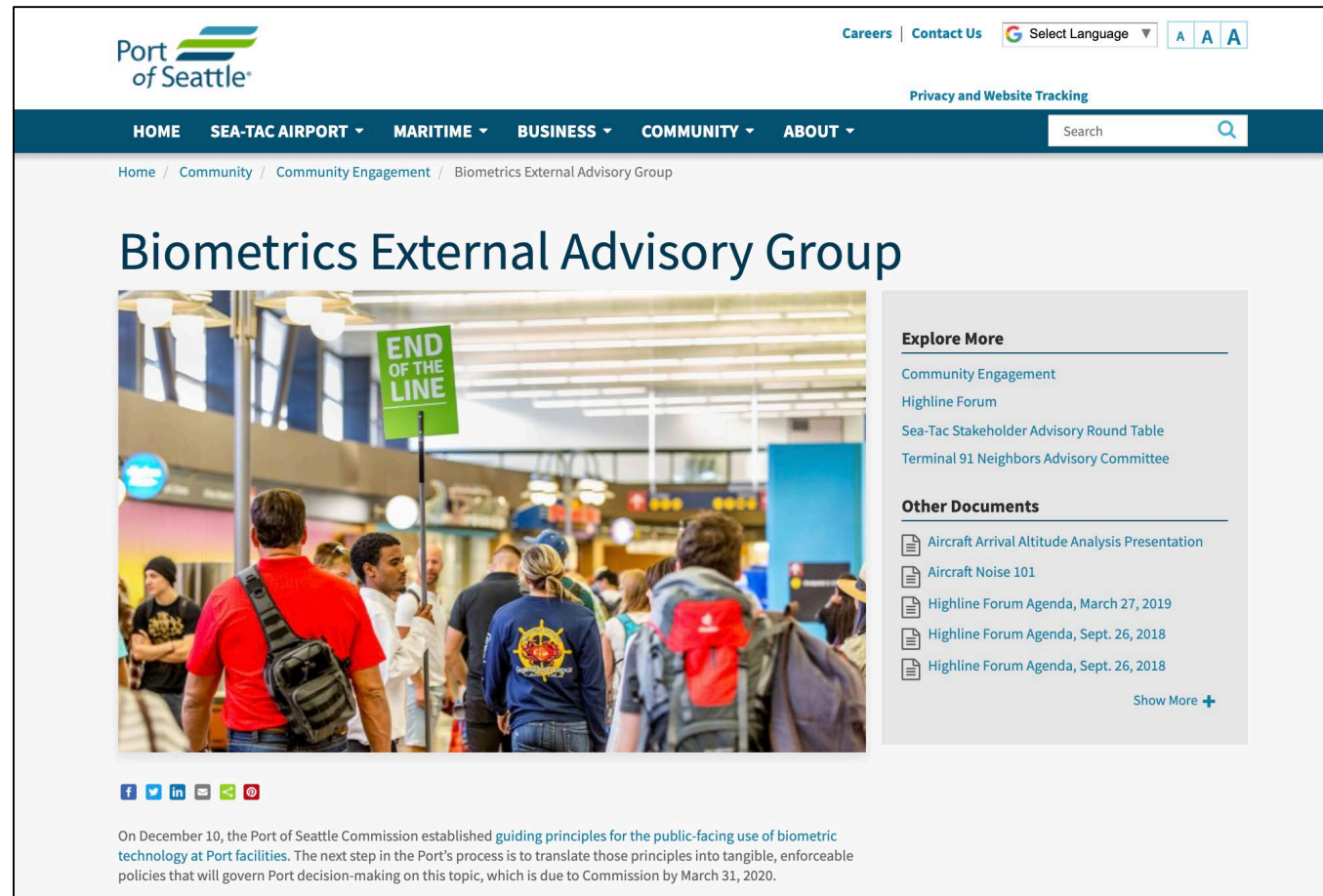
- To **advise and guide** the *Internal Working Group's* development of policies to govern public-facing biometric technology in Port operations.

Note:

The Port does not strive for, nor expect, consensus as an outcome of this process.

The goal is to communicate various viewpoints and a range of options to the *Internal Working Group* and *Port Commission*.

Advisory Group Website



Ground Rules (informed by interviews)

- Respect others' opinions
- Speak honestly
- Strive for equitable process
- Amplify the voices of marginalized groups
- Acknowledge organizational interests
- Ask questions for clarification
- Focus on sound & specific policy recommendations
- Focus on forward movement
- Avoid acronyms and jargon
- Avoid “tech-splaining”
- Track commitments & next steps
- Accept hands-on facilitation

Update on Port Biometric Policy Process

Port of Seattle staff

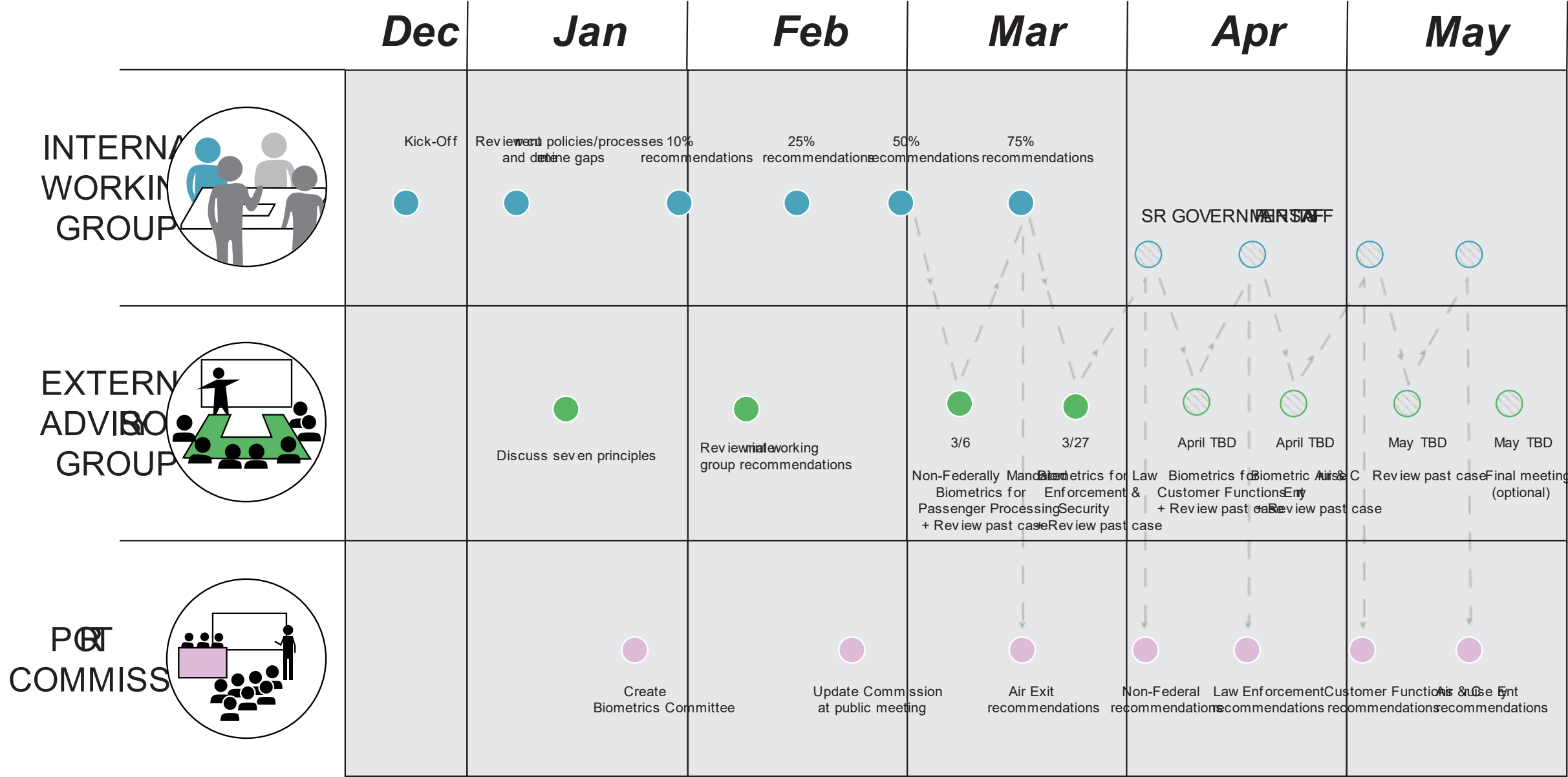
Extension Granted on Timeline

- As the Port seeks to develop public-facing biometric policy recommendations separated by use case, the **Port has granted an extension of two months to develop recommendations**
- What does this mean for the External Advisory Group?

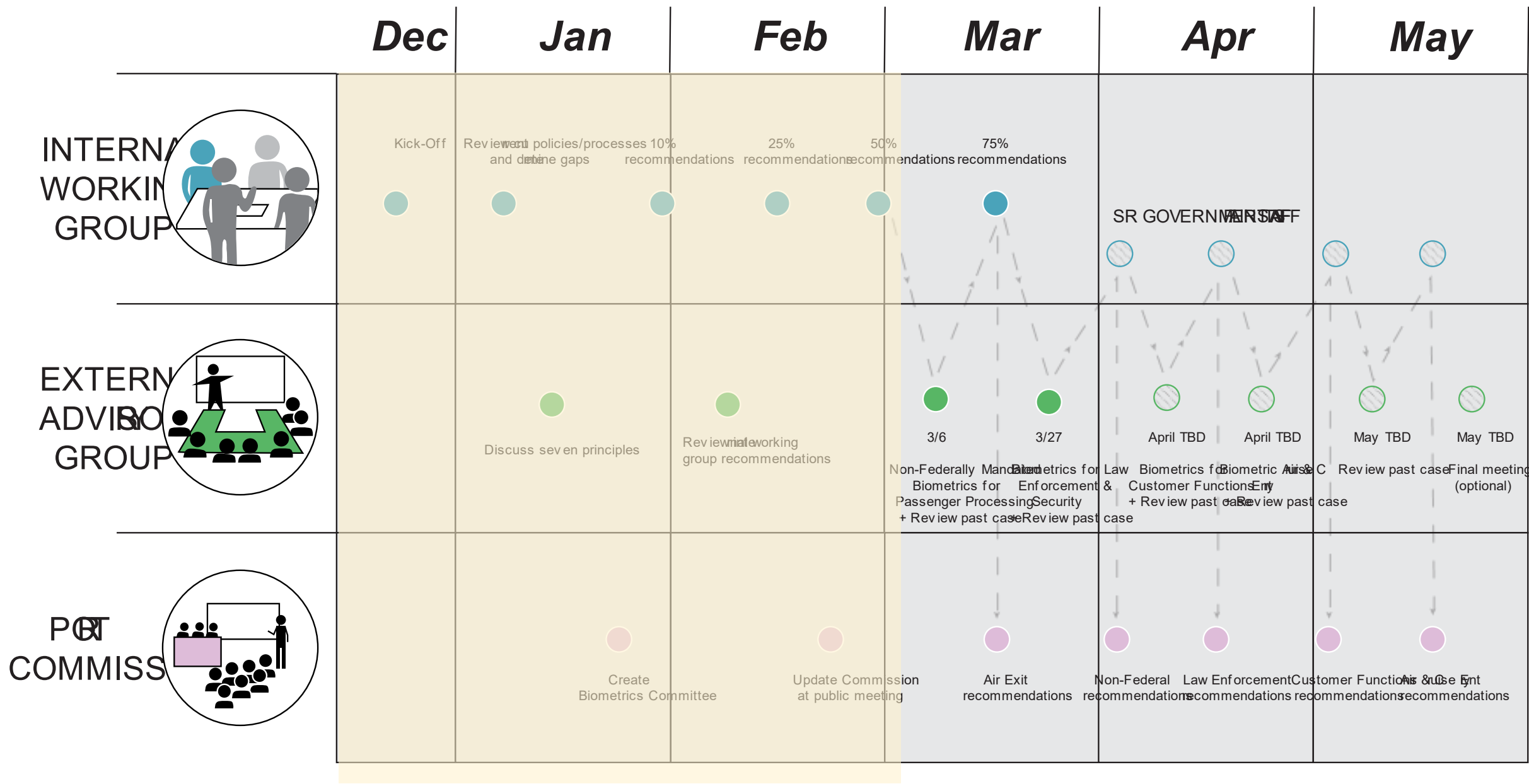
Extension Granted on Timeline

- As the Port seeks to develop public-facing biometric policy recommendations separated by use case, the **Port has granted an extension of two months to develop recommendations**
- What does this mean for the External Advisory Group?
 - **Up to four additional meetings** with scheduled dates pending
 - Responsibility remains the same
 - More thoughtful and nuanced engagement for each use case

PORT BIOMETRIC POLICY TIMELINE



PORT BIOMETRIC POLICY TIMELINE



Summary of Use Case Revisions: Biometric Air Exit

BDS and Port of Seattle Staff

Biometric Air Exit: The use of facial recognition to confirm the identities of departing international airline passengers

Note: The Port has broad authority to establish policies that govern the activities of Port staff and the use of Port resources, to the extent such policies are consistent with federal law. Airlines operating at Port facilities are also subject to the Port’s policies, consistent with their own federal obligations and the terms of their agreements with the Port – such as lease agreements or operating agreements with the Port, which varies on a case-by-case basis. The Port has very limited authority to influence, much less direct, the activities of federal agencies operating at Port facilities.

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Key Words	Approval	Camera Locations to Prevent Unintended Capture	Encryption; Disclosure; Storage	Accurate Rates; Training	Communication Plan & Accountability Report	State & Federal Regulations	Multiple Languages; Culturally Appropriate Engagement Plan; Training
Port	<p><i>If staff makes request to implement a “common use” biometric air exit system and the request does not require Commission authorization ...</i></p> <p>Approval must come from the Aviation Managing Director (AMD) after:</p> <p>a) The AMD has notified the Port Executive Director and Port Commission (3) weeks in advance of any staff action;</p> <p>b) The AMD has evaluated whether the request based on the following criteria:</p> <ul style="list-style-type: none">o Demonstrated operational need, which is defined as an added benefit to travelers vs existing manual processeso Compliance with all Port principles and policieso Compliance will all CBP requirementso Net benefit-cost to travelers of the added customer facilitation vs. potential privacy and other riskso the request includes documentation that the proposed process is compliant with CBP’s Air Exit Requirements <p><i>If request requires Commission authorization, memo to Commission must explain alignment with the Port’s Biometric Principles, the Port’s Air Exit policies, and a recommendation from the AMD</i></p> <p><i>If procurement process is required, then the vendor solicitation document must explain how the technology complies with the Port’s Biometric principles and CBP’s air exit requirements as well as a recommendation from the AMD</i></p> <p><i>If the Port implements a “common use” biometric air exit solution, it must be used for all departing international flights at SEA</i></p>	<p><i>If port approves biometric air exit program implementation...</i></p> <p>The port should set standards for where and how facial recognition cameras at international departure gates to prevent unintended image capture and should train staff on procedures.</p> <p><i>If procurement process is required, request information on ways the vendor can help avoid unintended image capture</i></p> <p><i>Opt-out is the CBP-required method for biometric air exit. However, the Port will mandate opt-in for almost all other use cases.</i></p>	<p><i>If/when data is transmitted between the Port and CBP it must:</i></p> <p>a) occur over an encrypted connection;</p> <p>b) receive clarification to be exempt from state public discourse requirements so as to protect release of personally identifying information;</p> <p>c) be immediately deleted in accordance with CBP’s requirements; and</p> <p>d) be used for no other purpose</p> <p><i>If procurement process is required, request information on alignment with privacy protections.</i></p> <p><i>Language reflecting stakeholder concern regarding the Port’s insights to CBP audit results has been included in an added recommendation under the “Transparent” principle</i></p>	<p>Port to review and compare CBP accuracy rates before approval of any Port-requested biometric air exit program</p> <p>Port should develop training standards for handling facial recognition mismatching issues appropriately</p> <p><i>If procurement process is required, request information regarding how vendor equipment and services enhance accuracy levels</i></p> <p><i>Language reflecting stakeholder concern regarding reporting on CBP accuracy rates across other participating airports has been included under the “Transparent” principle</i></p>	<p>If port <i>approves</i> biometric air exit program implementation...</p> <p>it should produce:</p> <p>a) a comprehensive communication plan to notify general public of implementation including rights and recourse in case of violations and/or data breaches</p> <p>b) an accountability report – in multiple languages – including publicly available information such as:</p> <ul style="list-style-type: none">o Benchmarking data against the operational results of other airport’s biometric air exit systemso Feedback about the public’s experience sought proactively in customer surveyso Available information on data sharing within the U.S. Department of Homeland Securityo Any airline disclosure of individual’s biometric data <p>The full list of topics can be found listed under recommendation 19a in the draft policy document</p> <p>each of which should be shared publicly through all Port communication channels. Each report should include all available information released by CBP.</p> <p>The Port should periodically conduct its own performance evaluation to ensure that private sector operators are following all of the Port policies</p>	<p>Port staff should actively track and advocate for state and federal biometric regulations</p> <p><i>Language reflecting stakeholder concern regarding data breaches has been included in the recommendations for the “Transparent” principle</i></p>	<p><i>If port approves biometric air exit program implementation...</i></p> <p>The Port should:</p> <p>a) develop an engagement plan along with relevant partners to educate local immigrant and refugee communities in multiple languages and in a culturally appropriate way about:</p> <ul style="list-style-type: none">o The biometric program;o The technology;o Their rights; ando Resources* for sharing concerns about incidents <p>b) form and regularly consult a Technology Ethical Advisory Board composed of community stakeholders, academics, technology experts and other key stakeholders</p> <p><i>Language reflecting stakeholder concern regarding public outreach on opt-out procedures have been included in the recommendations for the “Transparent” principle</i></p>
Private Sector Airlines	<p><i>In the case where recommendations to airlines were derived from the Port recommendations, see above. For all other recommendations, refer to full air exit policy document</i></p>						
Federal Activities	<p><i>Recommendations unchanged</i></p>						

Use Case Basics: Non-Federally Mandated Biometrics for Passenger Processing

Port of Seattle staff

Non-Federally Mandated Biometrics for Passenger Processing Policy Recommendations

Drafted by the Port of Seattle Internal Working Group



7 Public-Facing Biometrics Guiding Principles

Justified	Should be used only for a clear and intended purpose and not for surveillance on large groups without a lawful purpose.
Voluntary	Should be voluntary and reasonable alternatives should be provided for those who do not wish to participate through an opt-in or opt-out process.
Private	Should be stored for no longer than required by applicable law or regulations and should be protected against unauthorized access.
Equitable	Should be reasonably accurate in identifying people of all backgrounds, and systems should be in place to treat mismatching issues.
Transparent	Should be communicated to visitors and travelers.
Lawful	Should comply with all laws, including privacy laws and laws prohibiting discrimination.
	Should act ethically when deploying technology or handling

Non-Federal Biometric Passenger Processing: Any proposed use of biometrics for passenger processing other than those required by the federal government

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	Justified	Voluntary	Private	Equitable	Transparent	Lawful	Ethical
Key Words	Approval; Operational Need; Net Benefit-Cost	Opt-in; Unintended Capture; Training	Security; Privacy; Storage	Accurate Rates; Training	Communication Plan & Accountability Report; Performance Evaluation	State & Federal Regulations	Immigrant and Refugee Engagement Plan; Law Enforcement Disclosure Mitigation; Technology Ethical Advisory Board
Port	<p><i>If a request for private sector implementation of non-federally mandated biometrics for passenger processing is received...</i></p> <p>Approval must come from the Aviation Managing Director (AMD) or Maritime Managing Director (MMD) after:</p> <p>a) The AMD or MMD has notified the Port Executive Director and Port Commission (3) weeks in advance of any staff action; &</p> <p>b) the AMD or MMD has evaluated whether the request is a justified based on the following criteria:</p> <ul style="list-style-type: none">o Demonstrated operational need, which is defined as an added benefit to travelers vs existing manual processeso Compliance with all Port principles and policieso Compliance with all CBP requirementso Net benefit-cost to travelers of the added customer facilitation vs. potential privacy and other risks <p>The Aviation Managing Director or Maritime Managing Director should consult the Port's Technology Ethical Advisory Board (once it is established) for feedback</p>	<p>The port should not approve proposals that do not include an opt-in (not opt-out) provision</p> <p>The port should set standards for where and how biometrics are used at Port facilities to prevent unintended capture and should train staff on procedures</p>	<p>The port should develop biometric data security and privacy standards (based on existing national and global standards) for compliance by all private sector operators requiring that:</p> <p>a) any data collected should be used only for the explicitly communicated purposes; &</p> <p>b) unauthorized third parties may not have access to the data</p> <p>The Port should endeavor to seek clarification from the State of Washington Attorney General whether transmission of biometric data is exempt from state public disclosure requirements</p>	<p>If port <i>approves</i> implementation of any non-federally mandated biometrics for passenger processing ...</p> <p>The Port should:</p> <p>a) develop training standards for administering the technology and include how to handle mismatching issues appropriately</p> <p>b) request CBP accuracy rates before approval of any non-federally mandated use of biometrics for passenger processing which would use CBP TVS system.</p>	<p>If port <i>approves</i> implementation of any non-federally mandated biometrics for passenger processing ...</p> <p>The Port should produce:</p> <p>a) a comprehensive communication plan to notify general public of implementation, including rights and recourse in case of violations and/or data breaches</p> <p>b) an annual accountability report including publicly available information on topics which can be found listed under recommendation 16a in the draft policy recommendation document</p> <p>each of which should be shared publicly through all Port communication channels</p> <p>The Port should periodically conduct its own performance evaluation to ensure that private sector operators are following all of the Port policies.</p>	<p>Port must ensure that any proposals to implement non-federally mandated biometrics for passenger processing comply with all relevant state and federal laws</p> <p>Port staff should actively track and advocate for state and federal laws and regulations</p>	<p>If port <i>approves</i> implementation of any non-federally mandated biometrics for passenger processing ...</p> <p>The Port should:</p> <p>a) develop an engagement plan along with relevant partners to educate local immigrant and refugee communities in multiple languages and in a culturally appropriate way about:</p> <ul style="list-style-type: none">o The biometric program;o The technology;o Their rights; ando Resources for sharing concerns about incidents <p>b) require commitment from private sector operators not to disclose personal data to a law enforcement agency unless the disclosure is:</p> <ul style="list-style-type: none">o Pursuant to the consent of the consumer;o Required by federal, state, or local law;o Necessary to prevent or respond to a national security issue, an emergency involving danger of death; oro To the national center for missing and exploited children <p>c) form and regularly consult a Technology Ethical Advisory Board composed of community stakeholders, academics, technology experts and other key stakeholders</p>
Private Sector Operators	<p><i>If a private sector operator using a proprietary database and algorithm, proposes to implement non-federally mandated biometrics for passenger processing, then ...</i></p> <p>The proposal must:</p> <p>a) explicitly articulate compliance of Biometric principles and all policies in this document</p> <p>b) explicitly state why biometrics are preferable over existing manual processes</p> <p>c) provide a cost-benefit analysis of utilizing biometrics</p>	<p><i>If a private sector operator using a proprietary database and algorithm, proposes to implement non-federally mandated biometrics for passenger processing, then ...</i></p> <p>The operator must:</p> <p>a) submit a plan for minimizing unintended capture</p> <p>b) demonstrate that their employees have received training on Port standards for avoiding unintended capture</p>	<p><i>If a private sector operator using a proprietary database and algorithm, proposes to implement non-federally mandated biometrics for passenger processing, then ...</i></p> <p>The operator must:</p> <p>a) demonstrate full alignment with the Port's biometric data security and privacy standards</p> <p><i>If the proposed implementation has obligations related to U.S. Transportation Security Administration, then...</i></p> <p>The operator must:</p> <p>a) demonstrate full alignment with all of the Port's Air Security Program rules and requirements</p>	<p><i>If a private sector operator using a proprietary database and algorithm, proposes to implement non-federally mandated biometrics for passenger processing, then ...</i></p> <p>The operator must:</p> <p>a) Verify that their technology demonstrates high levels of accuracy both overall and between various characteristics</p> <p>b) make available a technical capability (like an API) to enable legitimate, independent and reasonable tests for accuracy and unfair performance</p> <p>c) verify that their employee training for operating biometrics meets the Port's training standards.</p>	<p><i>If a private sector operator using a proprietary database and algorithm, proposes to implement non-federally mandated biometrics for passenger processing, then ...</i></p> <p>The operator should:</p> <p>a) partner with the Port on implementation of the Port communications plan</p> <p>b) share with the Port to the extent possible all requested information for inclusion into the accountability report</p> <p>c) share publicly, to the extent possible, the Port's annual accountability report through relevant communications channels</p>	<p><i>If a private sector operator using a proprietary database and algorithm, proposes to implement non-federally mandated biometrics for passenger processing, then ...</i></p> <p>The operator:</p> <p>a) must demonstrate compliance with all relevant state and federal laws</p> <p>b) should support the Port in advocating for state and federal laws and regulations</p>	<p><i>If a private sector operator using a proprietary database and algorithm, proposes to implement non-federally mandated biometrics for passenger processing, then ...</i></p> <p>The operator should:</p> <p>a) partner with the Port to inform local immigrant and refugee communities in multiple languages and culturally appropriate ways about:</p> <ul style="list-style-type: none">o Resources for sharing concerns about incidents related to legal rights and respectful treatment

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Key Words	Approval; Operational Need; Net Benefit-Cost	Opt-in; Unintended Capture; Training	Security; Privacy; Storage	Accurate Rates; Training	Communication Plan & Accountability Report; Performance Evaluation	State & Federal Regulations	Immigrant and Refugee Engagement Plan; Law Enforcement Disclosure Mitigation; Technology Ethical Advisory Board
Port	<p><i>If a request for private sector implementation of non-federally mandated biometrics for passenger processing is received...</i></p> <p>Approval must come from the Aviation Managing Director (AMD) or Maritime Managing Director (MMD) after:</p> <p>a) The AMD or MMD has notified the Port Executive Director and Port Commission (3) weeks in advance of any staff action; &</p> <p>b) the AMD or MMD has evaluated whether the request is a justified based on the following criteria:</p> <ul style="list-style-type: none">o Demonstrated operational need, which is defined as an added benefit to travelers vs existing manual processeso Compliance with all Port principles and policieso Compliance with all CBP requirementso Net benefit-cost to travelers of the added customer facilitation vs. potential privacy and other risks <p>The Aviation Managing Director or Maritime Managing Director should consult the Port's Technology Ethical Advisory Board (once it is established) for feedback</p>	<p>The port should not approve proposals that do not include an opt-in (not opt-out) provision</p> <p>The port should set standards for where and how biometrics are used at Port facilities to prevent unintended capture and should train staff on procedures</p>	<p>The port should develop biometric data security and privacy standards (based on existing national and global standards) for compliance by all private sector operators requiring that:</p> <p>a) any data collected should be used only for the explicitly communicated purposes; &</p> <p>b) unauthorized third parties may not have access to the data</p> <p>The Port should endeavor to seek clarification from the State of Washington Attorney General whether transmission of biometric data is exempt from state public disclosure requirements</p>	<p>If port <i>approves</i> implementation of any non-federally mandated biometrics for passenger processing ...</p> <p>The Port should:</p> <p>a) develop training standards for administering the technology and include how to handle mismatching issues appropriately</p> <p>b) request CBP accuracy rates before approval of any non-federally mandated use of biometrics for passenger processing which would use CBP TVS system.</p>	<p>If port <i>approves</i> implementation of any non-federally mandated biometrics for passenger processing ...</p> <p>The Port should produce:</p> <p>a) a comprehensive communication plan to notify general public of implementation, including rights and recourse in case of violations and/or data breaches</p> <p>b) an annual accountability report including publicly available information on topics which can be found listed under recommendation 16a in the draft policy recommendation document</p> <p>each of which should be shared publicly through all Port communication channels</p> <p>The Port should periodically conduct its own performance evaluation to ensure that private sector operators are following all of the Port policies.</p>	<p>Port must ensure that any proposals to implement non-federally mandated biometrics for passenger processing comply with all relevant state and federal laws</p> <p>Port staff should actively track and advocate for state and federal laws and regulations</p>	<p>If port <i>approves</i> implementation of any non-federally mandated biometrics for passenger processing ...</p> <p>The Port should:</p> <p>a) develop an engagement plan along with relevant partners to educate local immigrant and refugee communities in multiple languages and in a culturally appropriate way about:</p> <ul style="list-style-type: none">o The biometric program;o The technology;o Their rights; ando Resources for sharing concerns about incidents <p>b) require commitment from private sector operators not to disclose personal data to a law enforcement agency unless the disclosure is:</p> <ul style="list-style-type: none">o Pursuant to the consent of the consumer;o Required by federal, state, or local law;o Necessary to prevent or respond to a national security issue, an emergency involving danger of death; oro To the national center for missing and exploited children <p>c) form and regularly consult a Technology Ethical Advisory Board composed of community stakeholders, academics, technology experts and other key stakeholders</p>
Private Sector Operators	<p><i>If a private sector operator using a proprietary database and algorithm, proposes to implement non-federally mandated biometrics for passenger processing, then ...</i></p> <p>The proposal must:</p> <p>a) explicitly articulate compliance of Biometric principles and all policies in this document</p> <p>b) explicitly state why biometrics are preferable over existing manual processes</p> <p>c) provide a cost-benefit analysis of utilizing biometrics</p>	<p><i>If a private sector operator using a proprietary database and algorithm, proposes to implement non-federally mandated biometrics for passenger processing, then ...</i></p> <p>The operator must:</p> <p>a) submit a plan for minimizing unintended capture</p> <p>b) demonstrate that their employees have received training on Port standards for avoiding unintended capture</p>	<p><i>If a private sector operator using a proprietary database and algorithm, proposes to implement non-federally mandated biometrics for passenger processing, then ...</i></p> <p>The operator must:</p> <p>a) demonstrate full alignment with the Port's biometric data security and privacy standards</p> <p><i>If the proposed implementation has obligations related to U.S. Transportation Security Administration, then...</i></p> <p>The operator must:</p> <p>a) demonstrate full alignment with all of the Port's Air Security Program rules and requirements</p>	<p><i>If a private sector operator using a proprietary database and algorithm, proposes to implement non-federally mandated biometrics for passenger processing, then ...</i></p> <p>The operator must:</p> <p>a) Verify that their technology demonstrates high levels of accuracy both overall and between various characteristics</p> <p>b) make available a technical capability (like an API) to enable legitimate, independent and reasonable tests for accuracy and unfair performance</p> <p>c) verify that their employee training for operating biometrics meets the Port's training standards.</p>	<p><i>If a private sector operator using a proprietary database and algorithm, proposes to implement non-federally mandated biometrics for passenger processing, then ...</i></p> <p>The operator should:</p> <p>a) partner with the Port on implementation of the Port communications plan</p> <p>b) share with the Port to the extent possible all requested information for inclusion into the accountability report</p> <p>c) share publicly, to the extent possible, the Port's annual accountability report through relevant communications channels</p>	<p><i>If a private sector operator using a proprietary database and algorithm, proposes to implement non-federally mandated biometrics for passenger processing, then ...</i></p> <p>The operator:</p> <p>a) must demonstrate compliance with all relevant state and federal laws</p> <p>b) should support the Port in advocating for state and federal laws and regulations</p>	<p><i>If a private sector operator using a proprietary database and algorithm, proposes to implement non-federally mandated biometrics for passenger processing, then ...</i></p> <p>The operator should:</p> <p>a) partner with the Port to inform local immigrant and refugee communities in multiple languages and culturally appropriate ways about:</p> <ul style="list-style-type: none">o Resources for sharing concerns about incidents related to legal rights and respectful treatment

Next Steps

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- Internal Work Group meets on **March 13** to finish drafting recommendations for the remaining use cases
- External Advisory Group meets on **March 27** to:
 - Receive a summary of revisions to the *Non-Federally Mandated Biometrics* use case
 - Review the next use case: *Biometrics for Law Enforcement and Security Functions*
- Schedule additional External Advisory Group meetings