



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Master

File Number: 62413

File ID: 62413	File Type: Ordinance	Status: Report of Officer
Version: 2	Reference:	Controlling Body: Attorney's Office
Lead Referral: PUBLIC SAFETY REVIEW COMMITTEE	Cost:	File Created Date : 09/29/2020
File Name: Ban on Facial Recognition Technology		Final Action:
Title: SUBSTITUTE - Creating Section 23.63 of the Madison General Ordinances establishing a Ban on the Use of Face Surveillance Technology.		

Notes: 6417facialrecognition SUB

Code Sections:

CC Agenda Date: 12/01/2020

Indexes:

Agenda Number: 5.

Sponsors: Max Prestigiacomio, Rebecca Kemble, Tag Evers,
Michael E. Verveer, Arvina Martin, Marsha A. Rummel
and Grant Foster

Effective Date:

Attachments: Novmber 18, 2020 PSRC Registrants.pdf, 62413
Version 1.pdf

Enactment Number:

Author: Marci Paulsen

Hearing Date:

Entered by: jphelps@cityofmadison.com

Published Date:

Approval History

Version	Date	Approver	Action
1		Michael Haas	Approved as to Form
1		Ryan Pennington	Approve
2		Michael Haas	Approved as to Form
2		Ryan Pennington	Approve

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office	09/29/2020	Referred for Introduction				
	Notes: Public Safety Review Committee						

1	COMMON COUNCIL	10/06/2020	Refer	PUBLIC SAFETY REVIEW COMMITTEE	10/14/2020	Pass
Notes:						
1	PUBLIC SAFETY REVIEW COMMITTEE	10/14/2020	Refer	PUBLIC SAFETY REVIEW COMMITTEE	11/18/2020	11/18/2020
2	PUBLIC SAFETY REVIEW COMMITTEE	11/18/2020	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER			Pass
Notes: Recommendation: Adopt with recommendation that the language be altered to ensure that current usage of facial recognition technology by the Madison Police can continue. Roll Call Vote: 4:1:3:1 - Ayes - Heck, Mitnick, Anglim, Myadze; Noes - Rickey; Absent: Albouras, Amoah, Harrington-McKinney; Non-Voting - Konkel						
Absent: 2 Christian A. Albouras and Barbara Harrington-McKinney						
Ayes: 4 Patrick W. Heck; Matthew D. Mitnick; Mary T. Anglim and Charles Myadze						
Noes: 1 Allen M. Rickey						
Excused: 1 Gideon W. Amoah						
Non Voting: 1 Brenda K. Konkel						
2	COMMON COUNCIL	12/01/2020				

Text of Legislative File 62413

Fiscal Note

No City appropriation required.

Title

SUBSTITUTE - Creating Section 23.63 of the Madison General Ordinances establishing a Ban on the Use of Face Surveillance Technology.

Body

DRAFTER'S ANALYSIS: This ordinance creates a ban on the use of face surveillance technology.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 23.63 entitled "**Banning Use of Face Surveillance Technology**" of the Madison General Ordinances is created to read as follows:

"23.63 BANNING USE OF FACE SURVEILLANCE TECHNOLOGY

(1) Definitions.

"Department" means any agency, department, or division of the City.

"Face surveillance" means an automated or semi-automated process that assists in identifying or verifying an individual, ~~or in capturing information about an individual,~~ based on the physical characteristics of an individual's face.

"Face surveillance system" means any computer software or application that performs face surveillance.

(2) All Departments are not permitted to obtain, retain, possess, access or use any face surveillance system.

(3) All Departments are not permitted to obtain, retain, possess, access or use any information derived from a face surveillance system.

(4) Exemptions. This Section does not apply to the following:

(a) Using ~~information evidence relating to the investigation of a specific crime that~~ may have been generated from a face surveillance system, so long as

such ~~information evidence~~ was not generated by ~~or at the request of~~ any Department and is used only to identify individuals who are victims of human trafficking or missing children.

- (b) Obtaining or possessing an electronic device, such as a cell phone or tablet, that performs face surveillance for the sole purpose of user authentication.
- (c) Using face recognition on an electronic device, such as a cell phone or table, for the sole purpose of user authentication.
- (d) Using social media or communication software or application for communicating with the public, provided such use does not include the affirmative use of any face surveillance.
- (e) Using automated redaction software, provided such software does not have the capability of performing face surveillance.
- (f) Comply with the National Child Search Assistance Act.”