



# City of Madison

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

## Master

**File Number: 62413**

<b>File ID:</b> 62413	<b>File Type:</b> Ordinance	<b>Status:</b> Report of Officer
<b>Version:</b> 1	<b>Reference:</b>	<b>Controlling Body:</b> Attorney's Office
<b>Lead Referral:</b> PUBLIC SAFETY REVIEW COMMITTEE	<b>Cost:</b>	<b>File Created Date :</b> 09/29/2020
<b>File Name:</b> Ban on Facial Recognition Technology		<b>Final Action:</b>
<b>Title:</b> Creating Section 23.63 of the Madison General Ordinances establishing a Ban on the Use of Face Surveillance Technology.		

**Notes:** 6417facialrecognition

**Code Sections:**

**CC Agenda Date:** 10/06/2020

**Indexes:**

**Agenda Number:** 5.

**Sponsors:** Max Prestigiacomio, Rebecca Kemble, Tag Evers and Arvina Martin

**Effective Date:**

**Attachments:**

**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

### 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				
	<b>Notes:</b> Public Safety Review Committee						
1	COMMON COUNCIL	10/06/2020	Refer	PUBLIC SAFETY REVIEW COMMITTEE		10/14/2020	Pass
	<b>Notes:</b>						
1	PUBLIC SAFETY REVIEW COMMITTEE	10/14/2020	Refer	PUBLIC SAFETY REVIEW COMMITTEE	11/18/2020	11/18/2020	

1	PUBLIC SAFETY REVIEW COMMITTEE	11/18/2020	RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATION S - REPORT OF OFFICER	12/01/2020
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**Text of Legislative File 62413**

**Fiscal Note**

No City appropriation required.

**Title**

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.

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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 evidence relating to the investigation of a specific crime that may have been generated from a face surveillance system, so long as such evidence was not generated by or at the request of any Department.
- (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."



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