



Legislation Details (With Text)

File #: 62413 **Version:** 3 **Name:** Ban on Facial Recognition Technology
Type: Ordinance **Status:** Passed
File created: 9/29/2020 **In control:** Attorney's Office
On agenda: 12/1/2020 **Final action:** 12/1/2020
Enactment date: 12/15/2020 **Enactment #:** ORD-20-00117
Title: AMENDED 2nd SUBSTITUTE - Creating Section 23.64 of the Madison General Ordinances establishing a Ban on the Use of Face Surveillance Technology.
Sponsors: Rebecca Kemble, Max Prestigiacombo, Tag Evers, Michael E. Verveer, Grant Foster, Patrick W. Heck
Indexes:
Code sections:

Attachments: 1. Novmmember 18, 2020 PSRC Registrants.pdf, 2. 62413 Version 1.pdf, 3. 62413 Version 2.pdf, 4. 62413 Version 3 - 2nd Substitute.pdf, 5. 62413 Version 4 - Alternate.pdf, 6. 12/1/20 Email Comments_62413.pdf

Date	Ver.	Action By	Action	Result
12/1/2020	2	COMMON COUNCIL		
12/1/2020	2	COMMON COUNCIL	Adopt the following Amendment(s) to the Substitute	Pass
12/1/2020	2	COMMON COUNCIL	Adopt Alternate	Fail
12/1/2020	3	COMMON COUNCIL	Adopt Substitute As Amended	Pass
11/18/2020	2	PUBLIC SAFETY REVIEW COMMITTEE		
10/14/2020	1	PUBLIC SAFETY REVIEW COMMITTEE	Refer	
10/6/2020	1	COMMON COUNCIL	Refer	Pass
9/29/2020	1	Attorney's Office	Referred for Introduction	

Fiscal Note

No City appropriation required.

Title

AMENDED 2nd SUBSTITUTE - Creating Section 23.64 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 23.64 entitled "**Banning Use of Face Surveillance Technology**" of the Madison General Ordinances is created to read as follows:

"23.64 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 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 that may have been generated from a face surveillance system, so long as such information was not generated by or at the request of any Department, though a Department may request information specifically to identify **and/or locate** individuals who are victims of human trafficking, child sexual exploitation 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.”

Editor's Note: The Section number is updated to 23.64 of the MGO to correct a clerical error.