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## **APPROVED MINUTES COMMISSION SPECIAL MEETING SEPTEMBER 10, 2019**

The Port of Seattle Commission held a special meeting, Tuesday, September 10, 2019, in commission chambers at Port of Seattle offices, 2711 Alaskan Way, Seattle, Washington. Commissioners Bowman, Calkins, Felleman, and Gregoire were present. Commissioner Steinbrueck was present after 9:22 a.m.

### **1. CALL TO ORDER**

The meeting was called to order at 9:02 a.m. by Commission President Stephanie Bowman, who led the flag salute.

### **2. OPENING REMARKS**

Commissioner Bowman welcomed the study session participants and members of the public and introduced the topic of focus for the study session: biometric technology. She acknowledged both operational efficiencies provided by use of technologies such as facial recognition and privacy concerns associated with many forms of biometric identification.

Executive Director Metruck introduced the panel participants.

### **3. PANEL DISCUSSION: SETTING THE STAGE**

Presentation document(s) included an agenda [memorandum](#). Presentation slides were provided at the time of the meeting and are attached as minutes [Exhibit A](#). A Microsoft Transparency Note was provided at the time of the meeting and is attached as minutes [Exhibit B](#).

Presenter(s): Eric Schinfeld, Senior Manager, Federal and International Government Relations, Port of Seattle; Jacquelyn Krones, Principal Ethics Strategist, Microsoft Corporation.

Ms. Krones described how biometric identification technology works and explained the factors affecting accuracy of biometric data matches. She noted the need to have a large pool of data to improve match accuracy, which often requires overrepresentation of very small groups within the population in the data set. Enrollment of multiple photos of an individual generates a more reliable template to perform digital facial recognition. The template is compared to the “probe” photo taken at the time of the attempt to identify the individual, such as a photo that might be taken of a passenger as part of the security clearance process. A match score between zero and one is generated based

on a mathematically reduced comparison of the template and probe photo, and the threshold of the match score to be considered a match between the two is set by the system owner. The higher the match score, the closer the match.

The importance of public audits to influence the broadest possible pool of template photos was discussed. It was explained that a lack of underrepresented features in the template pool can make it harder to return a positive match for some groups within the population, such as women with dark complexion.

Research indicates that combining technology and human observation returns a better result than use of technology alone. The factors that contribute to false positive matches, where a match is identified but should not be, and false negative matches, where a match is denied but should not have been, were discussed. It was noted that human observation limits the risk of false negatives.

Commissioners asked about factors in facial recognition data to consider for audit purposes, such as complexion, gender-related features, age, non-complexion racial characteristics, etc. They commented on the importance of hearing from those subject to and those using the biometric technology when considering policy implications. They asked how the technology accounts for circumstances of transgender people, identical twins, or those using cultural or religious coverings.

Commissioners commented on the need to identify the principles that would apply to a public facility that is not in control of the biometric data collected. They asked about the informed consent and opt-out processes for passengers subject to facial recognition and noted concerns about potential tracking of individuals without due process.

#### **4. PANEL DISCUSSION: CUSTOMER PERSPECTIVES**

Presentation document(s) included a Delta Biometrics Overview provided at the time of the meeting that is attached as minutes [Exhibit C](#).

Presenter(s): Eric Schinfeld, Senior Manager, Federal and International Government Relations, Port of Seattle; Jason Hausner, Director for Passenger Facilitation, Delta Air Lines; Gregory Forbes, Above Wing Field Support, Delta Air Lines; and Ben Atherly, Director, Port Operations, Holland America Group.

It was reported that Delta Air Lines is eager to deploy facial recognition technology at Seattle-Tacoma International Airport in line with their strategic objectives. The scope of Delta's biometric solution includes use of self-service kiosks, full-service counters, and use of biometric identification at TSA checkpoints and boarding gates. Images captured are transmitted to Customs and Border Protection's data cloud as a gallery of those on a certain flight for whom images are associated with a lengthy alphanumeric unit identification code. It was reported that this code is associated with the individual only for a specific one-direction trip. The voluntary nature of Delta's program, its privacy provisions, and the security of the wireless network were discussed.

Commissioners asked about the data sharing agreement between Delta and CBP, access to the data by other enforcement agencies, and the use limitations on biometric identification data by the

publicly owned Hartsfield-Jackson Atlanta International Airport. They inquired about how failed matches are handled and about other airports where the technology is deployed.

Although use of biometric identification is proposed only for international flights, Delta acknowledged interest in applying to domestic flights. Commissioners asked about the motivation for the program, which was described as an improvement for passenger throughput, customer experience, and safety and security at checkpoints and gates since agents can focus on the passenger rather than the passenger's paperwork.

The application of biometric identification by cruise lines was discussed. Similar factors were considered related to mechanics of collecting data, data security, anticipated benefits, opting out, and data-sharing agreements as for airline use. Holland America is not currently employing facial recognition but is considering it.

#### **5. PANEL DISCUSSION: AIRPORT PERSPECTIVES**

Presentation document(s) included presentation slides provided at the time of the meeting and which are attached as minutes [Exhibit D](#).

Presenter(s): Eric Schinfeld, Senior Manager, Federal and International Government Relations, Port of Seattle; Stephanie K. Gupta, Senior Vice President, Security and Facilitation, American Association of Airport Executives; and Pete Pelletier, Assistant Director for Information Technology, Greater Orlando Aviation Authority.

Commissioners were presented with the background of the Orlando International Airport's biometric identification system, focused on security, capacity, and customer service. Customs and Border Protection's first legislative mandate for an automated identity check on departing foreign visitors dates to the 1996 Illegal Immigration Reform and Immigrant Responsibility Act. CBP plans to implement facial recognition on exit for international air travel by 2022. Orlando International is working toward becoming the first U.S. airport to use biometric identification technology to expedite entry and exit of international passengers. Significant boarding-time and wait-time reductions have resulted from early use of technology.

Factors discussed included technology and data considerations, retention of data, advantages and disadvantages to use of the system, and arguments related to use of the system on U.S. citizens. Commissioners asked about responses from advocacy groups and degree of resistance from any U.S. airports. They inquired about standardized signage for informed consent. Commissioners asked for more information about the handling of identification data and vulnerability to sharing prior to deletion.

#### **6. PANEL DISCUSSION: COMMUNITY PERSPECTIVES**

There were no presentation documents provided.

Presenter(s): Eric Schinfeld, Senior Manager, Federal and International Government Relations, Port of Seattle; Rich Stoltz, Executive Director, OneAmerica; and Shankar Narayan, Technology and Liberty Project Director, American Civil Liberties Union of Washington.

The commission received an assessment of potential impacts to immigrant, refugee, and minority communities of implementation of biometric identification technology. It was recommended the port plan to ensure access to legal representation for passengers in a neutral space not controlled by Customs and Border Protection once biometric technology is deployed. Use of an opt-in approach to facial recognition and informed consent were recommended. Issues surrounding retention and use of biometric data were discussed. Commissioners asked whether it was possible that use of biometric technology might make the security process less prone to bias or profiling. The rate of failed matches for minorities, especially women of color, was noted. Opportunity for surveillance use of the technology is a concern for some communities. Commissioners asked about considerations for collection of biometric data in more public parts of the airport, such as pre-security areas. There was a discussion of security risk associated with compromised biometric data.

**7. CLOSING COMMENTS**

Commissioners commented on the urgency to identify guiding principles for deployment of biometric identification technology before Delta Air Lines implements its program at Seattle-Tacoma International Airport.

**8. ADJOURNMENT**

There was no further business, and the meeting adjourned at 11:15 a.m.

Prepared:

Attest:

Paul J. White, Commission Clerk

Peter Steinbrueck, Commission Secretary

Minutes approved: November 12, 2019.