



ACLU of New York

New York Civil Liberties Union
125 Broad Street, 19th Floor New York, NY 10004 (212) 607-3300 www.nyclu.org

April 27, 2021

VIA ELECTRONIC MAIL FOIL@doccs.ny.gov
Department of Corrections and Community Supervision
Harriman State Campus
1220 Washington Avenue
Albany, New York 12226-2050

RE: Public Records Request Regarding Voice Recognition Technology

Dear Records Access Officer:

It has come to our attention that the New York State Department of Corrections and Community Supervision (“DOCCS”) uses voice recognition technology, products, services, and/or systems, including but not limited to a “Voice Print System” (collectively, “VRT”) in connection with telephone calls placed or received at one or more correctional facilities. The New York Civil Liberties Union seeks information regarding DOCCS’s acquisition and/or use of VRT. The use of VRT in a carceral setting raises many issues, including significant privacy concerns of both those incarcerated and those whom they call, security of such information, whether and how any information obtained is shared with law enforcement authorities, and attorney-client privilege issues. In light of these serious concerns, we make this public records request pursuant to Article 6 of the New York State Public Officers Law, New York’s Freedom of Information Law (“FOIL”),¹ seeking any and all records related to the purchase, use, and maintenance of VRT as well as the use, storage, retention, security of, and access to, the data collected through such VRT, all as specified in detail in the below FOIL requests.

Definitions and General Parameters:

This FOIL request applies to records created or maintained by DOCCS, including at any of its offices or correctional facilities.

The term “record(s)” is to be construed in its broadest sense in accordance with New York FOIL to include anything upon which information is recorded, including all documents, papers, letters, email correspondence, memoranda, training materials, presentations, advertisements, specification documents, maps, books, tapes, photographs, films, invoices, directives, directions, guidance, orders,

¹ See N.Y. PUB. OFF. LAW § 84, et seq.

audio and/or visual recordings or other material, and electronic records, regardless of physical form or characteristics (including voicemail recordings).¹

The terms “voice recognition technology” or “VRT” are to be construed in their broadest sense to include anything upon which information is recorded concerning voice recognition technology, products, services, and/or systems of any kind.

The request is limited to records created or obtained from the date that is one year before DOCCS first implemented its use of VRT, through the date of final production of records responsive hereto, except as to items specifying a different timeframe.

For responsive records that contain information that identifies parties on a telephone call, you may redact such identifying information and produce the remaining responsive portion of those responsive record(s).

Specific FOIL Requests:

1. Any and all records that relate to DOCCS’s use of VRT in connection with telephone calls between people who are incarcerated and any other participant on those calls (“Participant(s)”), including without limitation: (a) the purpose for which VRT or any information or data (collectively “Data”) is used; (b) whether such Data is gathered or used to identify or locate Participants generally or any particular Participant, including why any such Participant has been identified; and (c) any relevant policies or protocols.
2. Any and all records that relate to the collection, analysis, storage or sharing of Data collected, created, generated, or processed by or through VRT, including without limitation: (a) access by law enforcement, prosecutorial or immigration authorities or agencies outside of DOCCS; (b) the purpose of providing such access; (c) whether and how such access is logged; and (d) any relevant policies or protocols.
3. Any and all records that relate to agreement(s) between DOCCS and Securus Technologies LLC or other entities in connection with the provision of VRT to DOCCS, as well as any documentation provided by such entit[ies] regarding to the usage of VRT.
4. Any and all records that relate to notification by DOCCS to a Participant that information that could be used to identify them by their voice and/or locate them geographically is being captured, including without limitation:
 - a. the specific language of such notification(s); and
 - b. the means by which such notification(s) is/are delivered.

¹ See N.Y. PUB. OFF. LAW § 86(4).

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5. Any and all records that relate to use of VRT in connection with telephone communications between people who are incarcerated and lawyers or legal advisers, including without limitation, any records, policies, and protocols that address attorney-client privilege as it applies to communications between people who are incarcerated and such lawyers or legal advisers.

As you know, FOIL requires a response within five business days of your receipt of this letter. Please provide an estimated timeframe within which the requested records are to be produced. If for any reason any portion of this request is denied, please inform us of the reasons for the denial in writing, and provide the name and address of the person or body to whom an appeal should be directed. If you determine that any portion of the requested records are exempt from disclosure pursuant to FOIL, please redact only the material claimed as exempt, inform us of the basis for the exemption claim, and furnish copies of those portions of the records that you determine not to be exempt.

We will compensate you for the cost of duplicating the records we request, as provided by law. Upon locating the requested documents, please contact us prior to photocopying and advise us of the actual costs of duplication. To the extent that records are available in electronic format, we request that they be provided in that format.

Please send responsive records to:

Lisa Laplace, Esq.
New York Civil Liberties Union
125 Broad Street, 19th Floor
New York, NY 10004
Llaplace@nyclu.org

Thank you for your prompt attention to this matter. Please do not hesitate to contact if you have any questions regarding this request. The best telephone number to reach me at is 212-607-3355.

Sincerely,



Lisa Laplace
Senior Staff Attorney

