

CITY OF SOMERVILLE
ORDINANCE NUMBER 2019-16
IN CITY COUNCIL: June 27, 2019

BAN ON FACIAL RECOGNITION TECHNOLOGY

Be it ordained by the City Council, in session assembled, that Chapter 9 of the Code of Ordinances of the City of Somerville, is hereby amended by adding to the existing Article III a new Section 9-25 as follows.

Section 9-25. Banning the usage of facial recognition surveillance technology.

(a) Definitions.

- (1) *Face surveillance* shall mean an automated or semi-automated process that assists in identifying or verifying an individual, based on the physical characteristics of an individual's face.
- (2) *Face surveillance system* shall mean any computer software or application that performs face surveillance.
- (3) *Somerville* shall mean any department, agency, bureau, and/or subordinate division of the City of Somerville.
- (4) *Somerville official* shall mean any person or entity acting on behalf of the City of Somerville, including any officer, employee, agent, contractor, subcontractor, or vendor.

(b) Ban on Government Use of Face Surveillance.

It shall be unlawful for Somerville or any Somerville official to obtain, retain, access, or use:

- (1) Any face surveillance system; or
- (2) Any information obtained from a face surveillance system.

(c) Enforcement.

- (1) *Suppression*: No data collected or derived from any use of face surveillance in violation of this ordinance and no evidence derived therefrom may be received in evidence in any proceeding in or before any department, officer, agency, regulatory body, legislative committee, or other authority subject to the jurisdiction of the City of Somerville.
- (2) *Cause of Action*: Any violation of this Ordinance constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce this Ordinance. An action instituted under this paragraph shall be brought against the City and, if necessary to effectuate compliance with this Ordinance, any other governmental agency with possession, custody, or control of data subject to this Ordinance.
- (3) The City will address alleged violations of this ordinance in accordance with its usual practices, applicable law and contractual obligations.

- (4) Nothing in this section shall be construed to limit any individual's rights under State or Federal law.

Approved:

President, City Council