FACIAL RECOGNITION TECHNOLOGY

Sec. 1. Title.

This article shall be known as the “Facial Recognition Technology Ordinance”

Sec. 2. Purpose.

It is recognized that:

(a) People have a right to, and should be ensured, an environment free from surveillance induced by Facial Recognition Technology that may jeopardize their privacy, autonomy, and quality of life. This article is enacted to protect, preserve, and promote these values for the people of New Haven through a ban on Face Surveillance Systems.

(b) Facial Recognition Technology raises general concerns around privacy, intrusiveness, and lack of transparency. The use of flawed and/or biased Face Surveillance Systems and the associated lack of transparency and accountability can create devastating impacts on individuals and groups, with underserved communities most at risk.

(c) Human rights principles such as privacy and freedom of expression must guide the design, development, acquisition, and use of New Haven’s data and digital services. It is essential to have an informed public discussion about decisions related to New Haven’s surveillance systems.

Sec. 3. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

(a) Face Surveillance means an automated or semi-automated process that assists in identifying, detecting, or verifying an individual, or captures information about them, based on characteristics of their face or any portion thereof.

(b) Face Surveillance System means any computer software or application, electronic device, or system utilizing an electronic device that performs Face Surveillance or any similar system that utilizes, relies upon, collects, or processes information derived from Face Surveillance.

(c) New Haven means any department, agency, bureau, and/or subordinate division of the City of New Haven.

(d) New Haven official means any person or entity acting on behalf of the City of New Haven, including any officer, employee, agent, contractor, subcontractor, or vendor.

Sec. 4. Ban on Face Surveillance Systems.

(a) It shall be unlawful for New Haven or any New Haven official to obtain, retain, access, collect, process, sell, share, transfer, or use:

(1) Any Face Surveillance System; or
(2) Any information obtained from any Face Surveillance System.

Sec. 5. Enforcement.

(a) Suppression: No data collected or derived from any use of Face Surveillance in violation of this law, and no evidence derived therefrom, may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority subject to the jurisdiction of the City of New Haven. Data collected or derived in violation of this law shall be considered unlawfully obtained, and shall be deleted upon discovery.

(b) Private Cause of Action:

i. Any violation of this law 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 law. An action instituted under this paragraph shall be brought against the City of New Haven.

ii. Any person who has been subjected to face surveillance in violation of this law, or about whom information has been obtained, retained, accessed, or used in violation of this law, may institute proceedings in any court of competent jurisdiction against the City of New Haven and shall be entitled to recover actual damages, but not less than liquidated damages of $1,000 or $100 for each violation, whichever is greater.

iii. A court shall award costs and reasonable attorneys’ fees to a plaintiff who is the prevailing party in an action brought under Section 5(b)(i) or 5(b)(ii).

(c) Training and Discipline: Violations of this law by an employee of the City of New Haven shall result in consequences that may include retraining, suspension, or termination, subject to due process requirements.

(d) Nothing in this article shall be construed to limit any individual's rights under State of Connecticut or United States federal law.