



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Master

File Number: 62413

File ID: 62413

File Type: Ordinance

Status: Passed

Version: 3

Reference:

Controlling Body: Attorney's Office

Lead Referral: PUBLIC SAFETY
REVIEW COMMITTEE

Cost:

File Created Date : 09/29/2020

File Name: Ban on Facial Recognition Technology

Final Action: 12/01/2020

Title: 2nd SUBSTITUTE - Creating Section 23.64 of the Madison General Ordinances
establishing a Ban on the Use of Face Surveillance Technology.

Notes: 6417facialrecognition 2nd SUB
MAYOR APPROVAL DATE: 12/7/2020

Code Sections:

CC Agenda Date: 12/01/2020

Indexes:

Agenda Number:

Sponsors: Rebecca Kemble, Max Prestigiacomo, Tag Evers,
Michael E. Verveer, Grant Foster and Patrick W.
Heck

Effective Date: 12/15/2020

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

Enactment Number: ORD-20-00117

Author: Marci Paulsen

Hearing Date:

Entered by: jphelps@cityofmadison.com

Published Date: 12/14/2020

Approval History

Version	Date	Approver	Action
1		Michael Haas	Approved as to Form
1		Ryan Pennington	Approve
2		Michael Haas	Approved as to Form
2		Ryan Pennington	Approve
3		Michael Haas	Approved as to Form
3		Ryan Pennington	Approve
4		Michael Haas	Approved as to Form
4		Ryan Pennington	Approve

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office	09/29/2020	Referred for Introduction				
	Notes: Public Safety Review Committee						
1	COMMON COUNCIL	10/06/2020	Refer	PUBLIC SAFETY REVIEW COMMITTEE		10/14/2020	Pass
	Notes:						
1	PUBLIC SAFETY REVIEW COMMITTEE	10/14/2020	Refer	PUBLIC SAFETY REVIEW COMMITTEE	11/18/2020	11/18/2020	
2	PUBLIC SAFETY REVIEW COMMITTEE	11/18/2020	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER				Pass
	Notes: Recommendation: Adopt with recommendation that the language be altered to ensure that current usage of facial recognition technology by the Madison Police can continue. Roll Call Vote: 4:1:3:1 - Ayes - Heck, Mitnick, Anglim, Myadze; Noes - Rickey; Absent: Albouras, Amoah, Harrington-McKinney; Non-Voting - Konkel						
		Absent:	2	Christian A. Albouras and Barbara Harrington-McKinney			
		Ayes:	4	Patrick W. Heck; Matthew D. Mitnick; Mary T. Anglim and Charles Myadze			
		Noes:	1	Allen M. Rickey			
		Excused:	1	Gideon W. Amoah			
		Non Voting:	1	Brenda K. Konkel			
2	COMMON COUNCIL	12/01/2020					
2	COMMON COUNCIL	12/01/2020	Adopt the following Amendment(s) to the Substitute				Pass

Notes:

2	COMMON COUNCIL	12/01/2020	Adopt Alternate	Fail
Notes:				
	Ayes:	5	Paul E. Skidmore; Zachary Henak; Sheri Carter; Michael J. Tierney and Barbara Harrington-McKinney	
	Noes:	14	Marsha A. Rummel; Arvina Martin; Tag Evers; Grant Foster; Samba Baldeh; Rebecca Kemble; Keith Furman; Christian A. Albouras; Max Prestigiacomo; Nasra Wehelie; Patrick W. Heck; Lindsay Lemmer; Michael E. Verveer and Shiva Bidar	
	Excused:	1	Syed Abbas	
	Non Voting:	1	Satya V. Rhodes-Conway	
3	COMMON COUNCIL	12/01/2020	Adopt Substitute As Amended	Pass
	Ayes:	17	Arvina Martin; Tag Evers; Sheri Carter; Grant Foster; Michael J. Tierney; Samba Baldeh; Rebecca Kemble; Keith Furman; Christian A. Albouras; Max Prestigiacomo; Nasra Wehelie; Barbara Harrington-McKinney; Patrick W. Heck; Lindsay Lemmer; Michael E. Verveer; Shiva Bidar and Marsha A. Rummel	
	Noes:	2	Paul E. Skidmore and Zachary Henak	
	Excused:	1	Syed Abbas	
	Non Voting:	1	Satya V. Rhodes-Conway	

Text of Legislative File 62413

Fiscal Note

No City appropriation required.

Title

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.