



## INSPECTOR GENERAL REPORT

2013-09-0190

March 28, 2014

### FACIAL RECOGNITION SOFTWARE

*Inspector General Staff Attorney Kristi Shute, after investigation by Special Agent Darrell Boehmer, reports as follows:*

On September 22, 2013, the Office of the Inspector General (“OIG”) received an email with an attached news article concerning the use and possible abuse of facial recognition software in Ohio. The person who provided the information was curious as to whether Indiana has stringent guidelines regarding access to facial recognition software and whether this was an issue that the OIG would be interested in suggesting recommendations. A review was initiated by the OIG to discover whether Indiana has sufficient restrictions to deter improper access and usage of facial recognition software pursuant to its directive to address fraud, waste, abuse and wrongdoing in agencies. I.C. 4-2-7-2(b).

Special Agent Boehmer learned that the Indiana Bureau of Motor Vehicles (“BMV”) has statutory restrictions (I.C. 9-14-3.5) that limit the disclosure of personal information which implement the federal Driver’s Privacy Protection Act of 1994 (18 U.S.C. 2721 et seq.). The restrictions only allow the BMV to

disclose highly restricted personal information, such as an individuals' digital photograph or image, under certain circumstances. For example, the BMV is permitted to disclose highly restricted personal information for use by a government agency, including a court or law enforcement agency, in carrying out its functions. The practical application of these restrictions is that law enforcement officers must request the BMV run a facial recognition search which limits opportunity for abuse. Special Agent Boehmer determined that both state and federal statutes address the use of highly restricted personal information to protect the system from unauthorized or improper use of facial recognition software. A review of BMV procedure also revealed that it maintains audit logs of users accessing all BMV systems.

For the above reasons, this case is closed.

/s/ David O. Thomas, Inspector General