

June 14, 2019

New York State Homes and Community Renewal (HCR)
Office of Rent Administration/ MCI Unit
Gertz Plaza
92-31 Union Hall Street
Jamaica, NY 11433
via U.S. Mail

Letter in Support of Brooklyn Legal Services' Opposition

Re: Docket Nos. GS210005OD and GS210008OD – Owner's Application for Modification of Services to Install a Facial Recognition Entry System (the "Application")

Dear DHCR Administrators:

The Surveillance Technology Oversight Project ("S.T.O.P.") respectfully submits the following letter in support of Brooklyn Legal Services' ("BLS") opposition to the Application. The Application is for the rent-stabilized buildings of Atlantic Plaza Towers, located at 249 Thomas S. Boyland Street, Brooklyn, NY, 11233 and 216 Rockaway Avenue, Brooklyn, NY, 11233 owned by Atlantic Towers Associates, L.P. ("Owner"). The Application will open tenants to harassment, discriminatory eviction, and potentially compromise their biometric privacy. These harms are compounded by facial recognition's documented bias against Black, Latinx, and female users. Therefore, S.T.O.P. strongly opposes the Application and urges DHCR to safeguard the privacy and civil rights of Atlantic Plaza's tenants.

S.T.O.P. is a non-profit advocacy organization and legal services provider based at the Urban Justice Center.¹ S.T.O.P. litigates and advocates for personal privacy, fighting excessive local and state-level surveillance. S.T.O.P. is particularly concerned with the deleterious effects of facial recognition technology on civil liberties, especially the disproportionate risks faced by communities of color and other historically marginalized segments of our city.²

¹ S.T.O.P., <https://www.stopspying.org/>.

² See ALBERT FOX CAHN, *Face it: Recognition technology isn't close to ready for prime-time*, N.Y. DAILY NEWS, Apr. 17, 2019, <https://www.nydailynews.com/opinion/ny-oped-face-it-nypd-20190417-4ech6z3t55bi7jsw34wa2o4k5e-story.html>.

Privacy Concerns

In recent years, New York City landlords have been accused of sharing tenants' most sensitive information—phone numbers, photos, and even Social Security numbers—with immigration officials.³ There is nothing preventing Owner from sharing StoneLock Go's biometric database with the NYPD, ICE, or other law enforcement agencies. Owner's history of harassing tenants further legitimates concerns about the storage, use, and distribution of such sensitive information.⁴

Security Concerns

Alarming, Owner can access the StoneLock Go system through insecure cellphones and laptops, increasing the risk of third-party intrusion.⁵ Just this week, the United States Customs & Border Patrol ("CBP") revealed that hackers accessed its own biometric database.⁶ If intruders can penetrate a federal law enforcement agency that has invested billions in state-of-the-art cybersecurity, how can we believe biometric data stored by a private landlord's insecure system will not be compromised? Furthermore, while Owner justifies their application with the highly speculative risk of key fob duplication, it cites no evidence that this has ever occurred. Facial recognition's dangers are much more pronounced and pressing than any potential risk from fob keys.

Inefficacy and Racial Bias

A recent MIT and Microsoft study found that the leading commercially-available facial recognition software misidentified almost 35% of Black women.⁷ However, this technology misidentified less than 1% of white men.⁸ These inaccuracies will inevitably inconvenience residents in accessing their homes, and may even elicit an unwarranted law enforcement response. Notably, the vast majority of Atlantic Plaza's tenants are people of color and women – precisely those individuals most at risk of misidentification. These tenants should not have to prove their own identity to access their housing.

³ See, e.g., LAUREN COOK, *Queens landlord gave tenant information to ICE after discrimination complaint, commission says*, N.Y. DAILY NEWS, July 19, 2017, <https://www.amny.com/news/queens-landlord-gave-tenant-information-to-ice-after-discrimination-complaint-commission-says-1.13810387>.

⁴ Tenants of Atlantic Towers Associates, DHCR RESPONSE LETTER, 38, Apr. 30, 2019.

⁵ *Id.* at 11.

⁶ See SIDNEY FUSSELL, *This Is Exactly What Privacy Experts Said Would Happen*, THE ATLANTIC, June 11, 2019, <https://www.theatlantic.com/technology/archive/2019/06/travelers-images-stolen-attack-cbp/591403/>.

⁷ JOY BUOLOAMWINI, TIMNIT GEBRU, *Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification*, <http://proceedings.mlr.press/v81/buolamwini18a/buolamwini18a.pdf>.

⁸ See *id.*; see also STEVE LOHR, *Facial Recognition Is Accurate, if You're a White Guy*, NEW YORK TIMES, Feb. 9, 2018, <https://www.nytimes.com/2018/02/09/technology/facial-recognition-race-artificial-intelligence.html?login=email&auth=login-email>.

Conclusion

In sum, S.T.O.P strongly recommends the DHCR oppose Owner's pending application to install the StoneLock Go facial recognition technology. Owner has not adequately addressed the privacy, security, and equity impact of this technology. Tenants deserve answers and the opportunity to meaningfully consent to – or withhold consent for – the use of their biometric data.

Sincerely,

Albert Fox Cahn, Esq.
Executive Director