

VIA EMAIL

Freedom of Information Office  
S.C. Law Enforcement Division  
P.O. Box 21398  
Columbia, S.C. 29221  
[foia@sled.sc.gov](mailto:foia@sled.sc.gov)

March 17, 2021

RE: S.C. Freedom of Information Act Request

Dear FOIA Officer,

This letter constitutes a request under the South Carolina Freedom of Information Act S.C. Code Ann. §30-4-10 et seq. and is submitted by the Electronic Privacy Information Center.

EPIC requests records related to the South Carolina Information and Intelligence Center (SCIIC), a federally funded fusion center. Please provide all records in a searchable electronic format, preferably PDF or Excel spreadsheet.

## Background

The summer of 2020 saw large protests across the country in the wake of the killing of George Floyd. Polls conducted between June 4 and June 22, 2020 estimate that between 15 million and 26 million people attended protests nationwide, marking 2020's protests as the largest in American history.<sup>1</sup> 2020 was also a high-water mark for police surveillance of protesters, with reports of aerial and drone surveillance, widespread use of video recording and facial recognition, cellular surveillance, and social media surveillance appearing in news stories across the nation.<sup>2</sup> Fusion centers played a prominent role in surveilling protesters, providing advanced tools like facial recognition and social media monitoring to local police.<sup>3</sup> The BlueLeaks documents, records

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<sup>1</sup> Larry Buchanan, Quoctrung Bui, and Jugal K. Patel, Black Lives Matter May Be the Largest Movement in U.S. History, N.Y. Times (July 3, 2020), <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html>.

<sup>2</sup> See e.g., Zolan Kanno-Youngs, U.S. Watched George Floyd Protests in 15 Cities Using Aerial Surveillance, N.Y. Times (Jun. 19, 2020), <https://www.nytimes.com/2020/06/19/us/politics/george-floyd-protests-surveillance.html>; Katie Schoolov, As protests over the killing of George Floyd continue, here's how police use powerful surveillance tech to track them, CNBC (Jun. 18, 2020), <https://www.cnbc.com/2020/06/18/heres-how-police-use-powerful-surveillance-tech-to-track-protestors.html>; Kristina Libby, How to Spot Police Surveillance Tools, Popular Mechanics (Jun. 12, 2020), <https://www.popularmechanics.com/technology/security/a32851975/police-surveillance-tools-protest-guide/>;

<sup>3</sup> Micah Lee, *How Northern California's Police Intelligence Center Tracked Protests*, The Intercept (Aug. 17, 2020), <https://theintercept.com/2020/08/17/blueleaks-california-ncric-black-lives-matter-protesters/>;

obtained from police and fusion center internal servers across the country, reveal substantial and ongoing surveillance of protesters.<sup>4</sup> Recent reporting revealed that fusion centers are interested in obtaining access to surveillance company Flock's nationwide automated license plate reader database.

South Carolina was the site of a number Black Lives Matter protests in 2020, which extended through the end of August.<sup>5</sup> Police in Richland County used facial recognition to identify protesters, the technology was provided to police by the SCIIC.<sup>6</sup> Police also used social media monitoring to identify and track protesters.<sup>7</sup> On its request for information form SCIIC makes facial recognition, social media analysis, automated license plate reader location tracking, and Palantir's CLEAR address database available to police requesters. Requests for Information obtained through the BlueLeaks document cache reveal that SCIIC received numerous requests for protest monitoring, including the use of facial recognition technology to identify protesters.<sup>8</sup>

### Documents Requested

- (1) All Requests for Information submitted between May 28, 2020 and August 31, 2020, including the final status of those requests (e.g. granted, denied etc.);
- (2) All Suspicious Activity Reports (SARs) submitted between May 28, 2020 and August 31, 2020 including the resolution of those reports (e.g. verified, credible, non-credible, etc.);
- (3) All emails, memoranda, intelligence products, and other documents relating to "protests", "organizers", "Black Lives Matter", "BLM", "antifa", "riots" or "activists" between May 28, 2020 and August 31, 2020;
- (4) All policies, privacy impact assessments, evaluations, training materials, use logs, contracts, memoranda of understanding, or other documents relating to the CellHawk data extraction and visualization tool;<sup>9</sup>

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*'Blue leaks' include information about police surveillance of Black Lives Matter protests*, WGME News (Jun. 19, 2020), <https://wgme.com/news/local/blue-leaks-include-information-about-police-surveillance-of-black-lives-matter-protests>; Tim Cushing, *California Fusion Center Tracked Anti-Police Protests, Sent Info To 14,000 Police Officers*, TechDirt (Aug. 20, 2020), <https://www.techdirt.com/articles/20200819/16572045148/california-fusion-center-tracked-anti-police-protests-sent-info-to-14000-police-officers.shtml>.

<sup>4</sup> John Anderson, *Is ARIC Still Watching? Despite scrutiny, fusion center still keeps tabs on protests*, Austin Chronicle (Dec. 11, 2020), <https://www.austinchronicle.com/news/2020-12-11/is-aric-still-watching/>.

<sup>5</sup> Sarah Ellis, *Columbia leaders hope for repeat of peaceful Black Lives Matter marches after Friday*, The State (Aug. 28, 2020), <https://www.thestate.com/news/local/article245321590.html>; Sara Coello, *Black Lives Matter protesters arrested in Charleston march honoring Jacob Blake*, Post and Courier (Aug. 29, 2020), [https://www.postandcourier.com/news/black-lives-matter-protesters-arrested-in-charleston-march-honoring-jacob-blake/article\\_64b89638-ea29-11ea-9bc0-8fa30f4835cd.html](https://www.postandcourier.com/news/black-lives-matter-protesters-arrested-in-charleston-march-honoring-jacob-blake/article_64b89638-ea29-11ea-9bc0-8fa30f4835cd.html).

<sup>6</sup> David Travis-Bland, *Richland, Columbia police use facial recognition, social media in protest tied arrests*, The State (Aug. 2, 2020), <https://www.thestate.com/news/local/crime/article244433082.html>.

<sup>7</sup> *Id.*

<sup>8</sup> See appendix.

<sup>9</sup> <https://www.hawkanalytics.com/cellhawk/>

(5) All policies, privacy impact assessments, evaluations, training materials, use records, contracts memoranda of understanding or other documents relating to the CLEAR software/database;<sup>10</sup>

(6) All policies, privacy impact assessments, evaluations, training materials, use logs, contracts, memoranda of understanding or other documents identifying and relating to SCIIC's social media analysis and monitoring tools (e.g. Geofeedia, Babel Street, Dataminr, Media Sonar, Snaprends, Skopenow and similar services),

(7) All contracts, memoranda of understanding, and information sharing agreements relating to (a) facial recognition services (e.g. Clearview AI, FaceFirst, and similar services) and (b) databases containing faceprints or other facial recognition images;

(8) All contracts, memoranda of understanding, and information sharing agreements relating to Automated License Plate Reader (ALRP), and License Plate Reader (LPR) databases or services (e.g. Vigilant Systems and similar services).

(9) All policies, privacy impact assessments, evaluations, training materials, use records, contracts/MOUs or other documents identifying and relating to Flock Automated License Plate Reader database, also known as TALON;<sup>11</sup>

(10) All policies, privacy impact assessments, evaluations, training materials, use logs, contracts/memoranda of understanding, promotional materials, or other documents identifying and relating to the Ulysses Group or the Ulysses car location tracking product.<sup>12</sup>

### Fee Waiver

EPIC requests a waiver of any processing fees under S.C. Code Ann. § 30-4-30(B) because disclosure of the requested records will be “primarily benefiting the general public”. EPIC is a non-profit organization primarily engaged in disseminating information. Under the federal Freedom of Information Act, EPIC is a “representative of the news media” for fee classification purposes. *EPIC v. DOD*, 241 F. Supp. 2d 5 (D.D.C. 2003). EPIC has no commercial interest in the records requested, EPIC's only interest in the records is to inform the public.

Disclosure of the records requested is in the public interest as protest surveillance is a topic of immediate public concern. Thousands of individuals showed up to protests in South Carolina. Many feared police surveillance practices including video monitoring, drone surveillance, and social media surveillance.<sup>13</sup> Some protest groups over the summer demanded South Carolina restrict use of

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<sup>10</sup> <https://legal.thomsonreuters.com/en/products/clear-investigation-software/law-enforcement>

<sup>11</sup> Joseph Cox, *Inside 'TALON,' the Nationwide Network of AI-Enabled Surveillance Cameras*, VICE (Mar. 3, 2021), <https://www.vice.com/en/article/bvx4bq/talon-flock-safety-cameras-police-license-plate-reader>.

<sup>12</sup> Joseph Cox, *Cars Have Your Location. This Spy Firm Wants to Sell It to the U.S. Military*, VICE (Mar. 17, 2021), <https://www.vice.com/en/article/k7adn9/car-location-data-telematics-us-military-ulysses-group>; <http://www.theulyssesgroup.com>.

<sup>13</sup> Lauren Mallory, *Protesters release list of demands during march from SC governor's mansion to State House*, WIS News 10 (Jun. 5, 2020), <https://www.wistv.com/2020/06/05/live-protesters-march-sc-governors-mansion-state-house/>.

surveillance technologies.<sup>14</sup> The public deserves to know how police monitored protesters, what tools were used, and how much support the federally-funded SCIIC provided to protest surveillance. This information will inform ongoing public debate over policing and the use of government funds.

If EPIC is not granted a fee waiver please provide an estimate of the cost of production before performing the search if the cost is likely to exceed \$25.

### Conclusion

Thank you for your consideration of this request. We anticipate your determination on our request within “10 business days”. For questions regarding this request, please contact Jake Wiener at [FOIA@epic.org](mailto:FOIA@epic.org).

Respectfully,

/s Jeramie Scott  
Jeramie Scott  
EPIC Senior Counsel

/s Jake Wiener  
Jake Wiener  
EPIC Law Fellow

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<sup>14</sup> *Id.*

## Appendix

The following are excerpts from Requests for Information submitted to SCIIC by local law enforcement, obtained through the BlueLeaks documents.

RFID	Date	Center	Description (Classification in parenthesis)
16761	6/1/20	SLIIC	<b>(Civil Unrest)</b> Any information on a South Carolina, North Carolina, or Georgia resident named Dwayne Ryker. If a possible match is located please contact S/A Ledbetter 803-760-2142 to determine if full packet is needed.
16795	6/3/20	SLIIC	<b>(Inciting a riot)</b> NVLS on target vehicle
16799	6/3/20	SLIIC	<b>(Protest/riots)</b> Any information regarding Brittany Valencia Martin from Iowa. Date of birth 02/25/1988.
16830	6/4/20	SLIIC	<b>(Facial Recognition Request)</b>
16836	6/4/20	SLIIC	<b>(Threat to Law Enforcement)</b> Facial Recognition request - Compare submitted photos of subjects to recent civil unrest (ie. Boogaloo Boys/right wing extremists inciting riots in the Midlands area)
16837	6/4/20	SLIIC	<b>(Disorderly Conduct)</b> I am seeking intelligence, specifically any booking or prison intake photo for Travers McFarland, 02/08/779 bm. He may have a Florida ID. I know he has a SC ID but there is no photo.
16854	6/5/20	SLIIC	<b>(Inciting a riot)</b> NVLS on targets vehicles
16873	6/6/20	SLIIC	<b>(Fugitive-Threat/Protest)</b> Intel packet on Terry Lance DOB 05/14/1989
16884	6/8/20	SLIIC	<b>(Assault)</b> PLEASE TRY FACIAL RECOGNITION ON THIS FEMALE, THIS MAY LEAD TO THE IDENTITY OF RIOTERS IN COLUMBIA ON 05-30-2020. YOU GUYS HAVE ALREADY RUN THE MALE WITH NEGATIVE RESULTS.
16891	6/8/20	SLIIC	<b>(Assault on Police)</b> CAN YOU GUYS SEND THIS BOLO AND PICTURES OUT TO OTHER LAW ENFORCEMENT AGENCIES IN THE STATE. HE IS A SUSPECT IN SEVERAL ASSAULTS ON OFFICER AND DAMAGING PROPERTY DURING THE RIOTS.
16897	6/8/20	SLIIC	<b>(Riot, Columbia Police Department 05-30-2020)</b> Facial Recognition
16898	6/8/20	SLIIC	<b>(Riot, assault on an officer X2 Columbia Police Department 05-30-2020)</b> Facial recognition (some pics have been sent in already but this is a new angle from a new body cam)
16913	6/8/20	SLIIC	<b>(Riot, Columbia Police Department 05-30-2020)</b> Facial Recognition
16914	6/8/20	SLIIC	<b>(Riot, Columbia Police Department 05-30-2020)</b> Facial Recognition
16915	6/8/20	SLIIC	<b>(Riot, Columbia Police Department 05-30-2020)</b> Facial Recognition