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Dear Committee Members,

We write to explain our on-going concerns with Utah's participation in MATRIX. Your committee is in the unique position of providing a recommendation as to whether Utah should continue to participate in the program, and your oversight is vital.

First, we would like to emphasize that the ACLU does not oppose, but rather applauds efforts by law enforcement to cooperate with other states in using legitimate information about terrorism or crime. However, MATRIX, in its current form, is not that.

The ACLU has filed more than twenty access to document requests with state and federal agencies across the nation, including a GRAMA request to the Utah Department of Public Safety. The documents obtained make clear that there is a great deal of misinformation being spread about the program. We appreciate the opportunity to enable this committee to separate misinformation from fact.

Based on documents obtained from numerous states, we have discovered that MATRIX examines tens of billions of records on more than 300 million people. Law enforcement emphasizes that this information has always been routinely available, and that MATRIX does nothing more than make the information easily accessible. This claim is disingenuous.

MATRIX appears to include a mix of corporate data, court records and other data compiled by private industry, and records provided directly by the states. This information includes property ownership, address history (including all the people an individual has ever lived with), business and corporate information, marine vessels, U.S. directory assistance, public utility services connections, bankruptcies, liens and judgments, UCC filings, FCC pilot information, hunting and fishing licenses, gun licenses, professional licenses, voter registrations, and U.S. domain names. MATRIX records obtained from Connecticut, Florida, and Michigan, claim the ability to access billions of records, in addition to the other information available from other states, including felony, misdemeanor, and traffic violations going back decades.

Therefore, it is misleading for MATRIX supporters to claim the information is routinely available. We believe that we have only seen the tip of the iceberg in terms of

what information MATRIX includes. This committee should not allow Utah to participate in MATRIX without a clear understanding of what information the states are providing, what information is being purchased, and how that information is being combined to create dossiers on all citizens.

MATRIX is also problematic because one of its most important components is data mining. Data mining is highly controversial because it allows an automated computer program to scan through the records of everyone—criminal and innocent alike—in a search for patterns that are thought to suggest wrongdoing. Although supporters claim that it is not a data mining system, documents obtained by the ACLU contain numerous explicit references to data mining, including meeting minutes of the MATRIX board, as well as presentations by, and budget documents from, the Florida Department of Law Enforcement. Importantly, the program’s own web site initially listed “factual data analysis,” a euphemism or buzzword for data mining, as one of three program goals. Based on this discrepancy alone, Utah should refuse to participate in MATRIX.

Defenders of data mining—by any name—point out that it has always been possible for a detective to shadow people under investigation, or to assemble a great deal about an individual through a search of numerous public databases and archives. However, those processes are inherently limited by expense and time constraints, which help curb their abuse. In contrast, MATRIX aims to exploit the explosion of tracking technology and databases by doing away with those limits. Without stronger oversight and clear limits on its use, Utah should not participate in MATRIX.

It is also important to understand that MATRIX is expensive for both state and federal governments. Because two-thirds of the originally participating states have withdrawn, the cost of the program is up in the air, at best. While the cost to Utah for compiling its data is unknown, estimates are that the program will eventually cost large sums. For instance, when Texas withdrew from the system, they estimated the cost as more than \$1.7 million annually. Further, the federal government’s substantial role in funding this program raises the question of whether MATRIX is at least in part an attempt by federal authorities to cultivate a data mining system that will avoid the attention or oversight attracted by Total Information Awareness, the Pentagon program shut down by Congress in 2003 because of privacy concerns.

Finally, although we believe that Utah should not participate in MATRIX, the issues it raises will not disappear even if MATRIX collapses or Utah declines to participate. As the amount of information about every individual increases and the technological barriers to integrating that data are eliminated, there will be a constant temptation to misuse information to conduct inappropriate investigations about any of us. Therefore, the ACLU suggests legislation that would place some common sense limits on technological tools like MATRIX. A key part of any legislation that enables MATRIX to go forward will be citizen oversight. Please see our draft legislation and separate cover letter.

Respectfully,

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