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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
HARRISBURG, PENNSYLVANIA 17101-1900

OFFICE OF
SECRETARY OF TRANSPORTATION

June 20, 2008

Honorable Samuel E. Rohrer, Member
House of Representatives
Room 45 East Wing
PO Box 202128
Harrisburg, PA 17120

Dear Mr. Rohrer:

Despite the many attempts of the Administration and PennDOT to provide you with the facts about REAL ID, the contract PennDOT has with Viisage and the use of facial recognition software, you continue to ignore the facts and/or distort information. First, the Administration has made no decision in regard to REAL ID and has made it quite clear that unless the federal government fully funds REAL ID, Pennsylvania will not participate.

You continue to state that the contract PennDOT has with Viisage is proof that Pennsylvania is moving forward with implementing REAL ID. While the contract does reference REAL ID, it does so merely to acknowledge the existence of the Act and the potential impact it could have on the issuance of driver's licenses and photo identification cards should Pennsylvania choose to implement it. In fact, the two have no correlation. The contract extension with Viisage was signed in July 2006, and the final REAL ID regulations were not issued by the U.S. Dept. of Homeland Security until January 2008.

The contract PennDOT has with Viisage is for the purpose of issuing driver's licenses and identification cards. Viisage has been PennDOT's vendor for the production of driver's licenses and photo identification cards since 2001, long before the REAL ID Act was enacted. The contract with Viisage provides for the preparation and servicing of the Pennsylvania digitized driver licensing system, which produces quality driver licenses and identification cards. Viisage provides PennDOT with a variety of supplies and services via this contract necessary to issue driver's license/identification cards. Without this contract, PennDOT would be unable to issue driver's license/identification cards to over nine million commonwealth citizens.

As provided for in the contract, PennDOT renewed the contract with Viisage in 2006 for a period of seven years and five months, July 2006 to December 2013, for an estimated cost of \$45 million. This cost is estimated because Viisage charges PennDOT on a per card basis; the \$45 million estimate is based on the assumption that PennDOT will issue approximately 3.5 million cards per year over the seven and a half year period.

The final REAL ID regulations do not call for the use of facial recognition technology. The regulations merely establish minimum standards at which a photograph should be captured. PennDOT, as you have stated inaccurately, does not convert images from the original capture file or formatting parameters. Photographic images continue to be captured at the same resolution as they have been since 1994.

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You have also misrepresented the functionality of the facial recognition software, FaceEXPLORER, currently being utilized by PennDOT to mitigate the risk for license fraud and identity theft. You compare facial recognition to that of DNA testing and fingerprinting and state that it can uniquely identify an individual. This is not true. The broad definition of biometrics includes facial recognition; however facial recognition is a physically non-intrusive technology, and is not like DNA testing and fingerprinting.

FaceEXPLORER provides the ability to compare an image to other images in our database to detect instances in which individuals have obtained driver's licenses under multiple names. It is an anti-fraud measure in order to further validate the individual standing in front of us is who they say they are. If the software identifies potential matches, PennDOT then reviews other supporting documents, such as signatures and forms that have been filed. If we determine there needs to be a further investigation, then and only then, do we turn it over to the Pennsylvania State Police for further investigation.

You have even gone as far as to insinuate the use of facial recognition by PennDOT is linked to surveillance cameras. This is totally untrue. PennDOT photos are not connected to surveillance cameras in any way. PennDOT only uses FaceEXPLORER for the purpose of combating license fraud and identity theft. The Pennsylvania State Police and the Attorney General's Office utilize this tool to investigate criminals and combat crime.

You claim that the Administration and PennDOT have overstepped their constitutional authority by entering into a tax-payer funded \$45 million contract, which provides for the use of FaceEXPLORER. The use of FaceEXPLORER is not a constitutional violation. Obtaining a driver's license is a privilege. The state is entitled to condition the grant of that privilege on the individual's consent to have their picture taken and used as necessary to protect security and for other legitimate governmental functions. It is PennDOT's responsibility to take steps to maintain the integrity and enhance the security of the driver's license/identification card issuance process, and facial recognition software is one tool we use to do that.

We are disappointed that despite our willingness and cooperation in answering your numerous correspondence you continue to make misstatements and distort the facts, in order to advance your own agenda and all at the expense of Pennsylvania's citizens.

Again, Pennsylvania has not made a final decision regarding participation in REAL ID, and we recognize the need for Legislative approval. We encourage an open debate concerning whether REAL ID should be implemented in Pennsylvania; however, we would simply ask that the debate be based on the facts.

Sincerely,



Kurt J. Myers, Deputy Secretary
Safety Administration