

Lessons to be learned from MATRIX

The Multistate Anti-Terrorism Information Exchange (MATRIX) was a pilot project intended to demonstrate the effective use of computer information management capabilities to more quickly access, share, and analyze records to help police officials generate leads, expedite investigations, and possibly prevent terrorist attacks.¹ FACTS, the Factual Analysis Criminal Threat Solution, was one of the applications used through the MATRIX project and was an investigative tool that allowed query-based searches of state-owned law enforcement data and commercially available public records.² FACTS essentially acted as an internet search engine for investigators and was not designed to generate leads by data mining.³ Originally 16 states, encompassing over half of the U.S. population, participated in MATRIX but by the end of the project, 11 states had dropped out prompted by cost and privacy concerns.⁴

Accountability	<ul style="list-style-type: none"> ❑ There was substantial confusion about what information was contained in MATRIX and how it would be used.⁵ The confusion subjected MATRIX to criticisms that it was a data mining system that gave law enforcement too much access to private details on millions of people. This also impacted data accuracy concerns; people were told that they could access and review their information only at the originating agency.⁶ ❑ Several states began participating without first informing their legislatures or the public.⁷ Sharing citizens' information without their knowledge eroded public support and led to abandonment of the system.⁸ ❑ Some states' laws prohibited their participation in MATRIX.⁹ Although some states made this determination before submitting data, others did not.
Data & Operational Issues	<ul style="list-style-type: none"> ❑ MATRIX combined state records with commercially compiled data.¹⁰ This was a substantial basis for arguments that the government was creating a surveillance system that contained detailed dossiers on law-abiding citizens.¹¹ It was also problematic because there is no way to verify the accuracy of commercial data.¹² ❑ MATRIX was intended to provide timely, accurate, and effective information to local and state police officials. However, no account of how errors in the MATRIX databases would be located and corrected was developed, nor were individuals given a right of access and review.¹³ ❑ No limits were established on how expansive MATRIX should become.¹⁴ This made the system subject to arguments about mission creep and failure to set the scope of the project. ❑ MATRIX did not consider the potential to abuse the access to this information and essentially provided unsupervised and uncontrolled access to information about individuals.¹⁵ Privacy advocates felt that the system's failure to define even minimal standards for running queries gave police officials too much latitude.¹⁶
Arguments & Examples	<ul style="list-style-type: none"> ❑ MATRIX denied or ignored the historical abuses of compiling records on individuals into a single location.¹⁷ The fear is that individuals engaged in constitutionally protected political activity would be singled out in databases of this nature. MATRIX did not acknowledge that some abuses are prevented by not including certain types of information in government databases.¹⁸ ❑ The argument that MATRIX used information that was already available to law enforcement without court supervision was not persuasive.¹⁹ Furthermore, it begged the question as to whether law enforcement should have access to that information in the context of a system like MATRIX. ❑ MATRIX used poor examples to demonstrate the need, capabilities, and uses of the system. Specifically, MATRIX articles and published documents consistently used described a scenario where investigators were provided with a partial license plate number and vehicle description.²⁰ To solve this example, an investigator needed little more than to sort through motor vehicle registration records.²¹ ❑ MATRIX consistently misunderstood the privacy issues that confronted it. Changing MATRIX from a centralized database into a distributed system does not address privacy issues.²² Furthermore, Florida wants to build 'MATRIX II' and want it to include more types of information than the original, including financial and insurance records.²³

¹ CRS Rpt. for Cong. *The Multi-State Anti-Terrorism Information Exchange (MATRIX) Pilot Project*, 1 (Aug. 18, 2004). The system was shut down on April 15, 2005 when federal funds ran out. Ryan Singel, *Florida Planning Son of Matrix*, Wired News (Apr. 25, 2005) <http://www.wired.com/news/privacy/0,1848,67313,00.html> (accessed Oct. 15, 2005).

² *MATRIX Project Focuses on Privacy*, MATRIX Newsletter (Spring 2004).

³ MATRIX Privacy, <http://www.matrix-at.org/privacy.htm> (accessed Oct. 15, 2005 via Internet Archive wayback Machine at <http://www.archive.org/>) (stating that inquiries are driven by actual criminal investigations or by reason of following up on active leads or domestic security threat information). See also, MATRIX Misconceptions, <http://www.matrix-at.org/misconceptions.htm> (accessed Oct. 15, 2005 via Internet Archive wayback Machine at <http://www.archive.org/>) (stating that MATRIX is not a data mining application); Letter from Guy M. Tunnel, Fla. Dep't of L. Enforcement Commr. to John J. Gilsch, (Oct. 30, 2003) www.matrix-at.org/FDLE_Letter.pdf (accessed Oct. 15, 2005 via Internet Archive wayback Machine at <http://www.archive.org/>); *Florida Planning Son of Matrix*, *supra* note 1.

⁴ CRS Rpt. for Cong. *supra* note 1 at 4. The states of Alabama, California, Georgia, Kentucky, Louisiana, New York, Oregon, South Carolina, Texas, Utah, and Wisconsin had dropped out of the project, leaving Connecticut, Florida, Michigan, Ohio, and Pennsylvania as participants at the project's end.

⁵ According to the MATRIX website, the system accesses a broad array of public data, ranging from driving records to bankruptcy filings. It cites as examples FAA Pilots licenses; aircraft and property ownership records; Coast Guard registered vessels; state sex offender lists; corporate filings and state-issued professional licenses. CRS Rpt. for Cong. *supra* note 1 at 6.

⁶ Multistate Anti-Terrorism Information Exchange (MATRIX) Privacy Policy, Section 7 ("Members of the public cannot access individually identifiable information, on themselves or others, from the FACTS application. Persons wishing to access data pertaining to themselves should communicate directly with the agency or entity that is the source of the data in question"). This was a meaningless provision.

⁷ **Utah's** governor halted her state's participation and appointed a panel to examine security and privacy issues. *Matrix Plan Fuels Privacy Fears*, Wired News (Feb. 2, 2004) <http://www.wired.com/news/business/0,1367,62141,00.html> (accessed Oct. 15, 2005). Her predecessor's enrollment in MATRIX without first informing state lawmakers and the public was a tactical error that eventually led the state to abandoning the system. Rebecca Walsh, *Matrix rejection analyzed*, THE SALT LAKE TRIB. (July 29, 2004); Jerry Spangler and Bob Bernick, Jr., *Utah fears MATRIX 'shared' personal data*, DESERET MORNING NEWS (Jan. 31, 2004). When the **Iowa** Department of Public Safety was considering joining MATRIX, civil liberties groups suggested that state officials hold public hearings on the matter. *Iowa Considering Joining Controversial MATRIX Database*, TheIowaChannel.com (Jan. 31, 2004). **Connecticut** State Police never publicly announced their participation in MATRIX and most lawmakers were not aware that it was in use. Lisa Chedekel, *State Police Using 'Matrix'*, The Hartford Courant (Jan. 23, 2004).

⁸ John Schwartz, *Privacy Fears Erode Support for a Network to Fight Crime*, N.Y. Times (Mar. 15, 2004) (quoting Barry Steinhardt, director of the technology and liberty program at the ACLU as saying about Total Information Awareness, "When these programs get exposed to the light of day, they get shut down").

⁹ The **Georgia** Attorney General ruled that the state could not share driver's license records with the MATRIX database unless state law was changed. *Georgia stayed with controversial database despite governor's statement*, Assoc. Press (Jan 30, 2004). The ACLU of Michigan and the former governor sued to stop **Michigan's** participation in MATRIX on the grounds that the state's Interstate Law Enforcement Intelligence Organizations Act prevents state police from participating without permission from the legislature or oversight from a citizen group. Amy F. Bailey, *Michigan State Police drop out of anti-terrorism network*, Detroit Free Press (Mar. 7, 2005). While not associated with the MATRIX project, the **Minnesota** Chiefs of Police developed the Multiple Jurisdiction Network Organization (MJNO), a searchable system that links the case records of more than 175 police agencies that collectively police two-thirds of the states population. Patrick Howe, *Growing use of private police network raises concerns*, USA Today (Oct. 30, 2003). That system contains information about individuals whether they have been arrested or appear in police files as a victim, suspect, complainant, or witness and was challenged on several grounds including that it was never authorized by the state legislature and didn't comply with the Minnesota Data Practices Act. *Id.*

¹⁰ *Florida Planning Son of Matrix*, *supra* note 1.

¹¹ American Civil Liberties Union, *The Matrix: Total information Awareness Reloaded 2* (2003) (explaining that the information available in today's commercial databases could expand the range of detailed information accessible to law enforcement).

¹² *Florida Planning Son of Matrix*, *supra* note 1 (reporting that privacy advocates are wary of including commercial data because it is notoriously inaccurate).

¹³ Anita Ramasastry, *Why we should fear the Matrix*, CNN.com (Nov. 6, 2003); MATRIX Privacy Policy, Section 7 *supra* note 6.

¹⁴ *More States Eying Anti-Crime Database*, Assoc. Press (Jan 31, 2004). Deputy Superintendent of the Louisiana State Police wrote that his agency would not participate in MATRIX because of "lingering concerns" about the security of the records that would be sent to the database and questioned the "ever-broadening scope extending far beyond the original counterterrorism mission." *Matrix Plan Fuels Privacy Fears*, *supra* note 7. Sharing MATRIX data with the federal government was also a concern of privacy advocates, although this concern was largely the result of the failed Total Information Awareness initiative and its perceived similarities with MATRIX. Brian Bergstein, *States' database a trove of personal info*, Salon.com (Jan. 22, 2004).

¹⁵ Prior to joining MATRIX, Georgia officials were concerned with the potential for abuse. Letter from Marshal Home, Ga. Dep't of Motor Vehicle Safety Commr. to Jim Lientz Ga. Chief Operating Officer (Sept. 29, 2003) <http://www.aclu.org/Privacy/Privacy.cfm?ID=14906&c=130> (accessed Oct. 15, 2005). Connecticut lawmakers were also concerned about possible abuses of the MATRIX system. *State Police Using 'Matrix'*, *supra* note 7.

¹⁶ *State Police Using 'Matrix'*, *supra* note 7.

¹⁷ Many states passed laws after their police departments were discovered compiling "Red Squad files" on their residents. See Mich. Comp. Laws § 752. See also *Privacy Fears Erode Support for a Network to Fight Crime*, *supra* note 8 (quoting a Florida investigator who explained, "It really comes down to trust. Do you trust law enforcement to do what is right?").

¹⁸ For example, when a police officer may provide the Illinois Secretary of State the address of the police district headquarters where he works instead of his or her residence address. 625 ILCS 5/3-405

¹⁹ Because MATRIX was so much more powerful than the work of individual investigators, the comparison (that it is a faster way of gathering data police already have access to) is not useful. *Why we should fear the Matrix*, *supra* note 13. Note also that when MATRIX documents explain that the system quickly accesses, analyzes, and shares 'public records,' they are engaging in equivocation (using the same word or phrase but switching between means during an argument). In other words, MATRIX was not limited to records that are publicly available.

²⁰ *Factual Analysis Criminal Threat Solution (FACTS) Locates Road-Rage Suspect*, MATRIX Newsletter (Spring 2004); *Privacy Fears Erode Support for a Network to Fight Crime*, *supra* note 8 (where one Florida investigator was content to leave *hypothetical* threats to privacy to others but provided no concrete examples of the viability of the system); *Florida Planning Son of Matrix*, *supra* note 1.

²¹ Note that Chris Hoofnagle, a director of Electronic Privacy Information Center (EPIC) finds little objectionable in the idea of helping police track down leads using state databases. *Florida Planning Son of Matrix*, *supra* note 1. This might be why MATRIX used this otherwise uncontroversial example.

²² Brian Bergstein, *Crime database changing on privacy fears*, USA TODAY (July 18, 2004); William Welsh, *Feds offer to mend Matrix*, WASH. TECH., Vol. 19 No. 4 (May 24, 2004).

²³ *Florida Planning Son of Matrix*, *supra* note 1.