



August 11, 2020

Dear Clearview AI,

I'm writing on behalf of OpenMedia, a grassroots organization that works to keep the Internet open, affordable, and surveillance free. You may be aware that a few thousand members of our community recently requested their personal information and deletion from your records. You would have received the bulk of these requests between July 16 and July 25, 2020.

On behalf of our community, we're seeking clarification on how you intend to meet your legal obligations under Canadian law to those who have made such requests.

The wording of the requests cite Section 4.9 of Schedule 1 of Canada's federal private sector privacy law, the *Personal Information Protection and Electronic Documents Act*. This law obligates a company to provide information to the requester within a defined time frame—**usually 30 business days**. Under this Act, anyone in Canada may request any personal information that the company holds about them, where that personal information has been shared, and that the information be deleted.

Clearview AI's fulfillment of these requests has to date been inadequate, in the few cases we've seen a response from your company at all. Prior to July 16, we saw some limited responses, which showed that individuals' personal information—in the form of images of the requesters' faces—was indeed contained within your databases. However, no indication as to where this personal information had been shared was given, and no response to questions about the permanence of the deletion request was offered.

Since July 16th, it does not appear that Clearview AI has been responding substantively to any of our community's requests, beyond requesting additional data from them.

As a result, we are asking you to please clarify:

1. When you will be responding to these requests; and
2. How you will ensure that their data is permanently deleted, and no further personal data of these individuals will be collected by Clearview AI in future.

We are extremely concerned that Clearview AI may have no intention of deleting the personal information of these individuals on a permanent basis. Given our understanding of how Clearview AI acquired the personal information in its records, and its business model, it seems probable that the same and future new personal information of these individuals is at high risk of being recollected upon a subsequent scrape of the publicly available images on the Internet. Your clarification of this point would be appreciated.

If you fail to meet your legal requirements as set out by Canada's *Personal Information Protection and Electronic Documents Act*, you will have violated Canadian law. We are aware

that Clearview AI has recently ceased to offer its services in Canada. However, a lack of customers does not alleviate your responsibility to adhere to Canadian law, as you continue to possess the personal information of millions of Canadians.

Nearing the end of this month (August 2020), the legislated timeline for responding to the bulk of the more than 3,000 requests that were submitted to Clearview AI through our tool will expire. At this rate, we anticipate that most will have gone unfulfilled. Many in our community are also frustrated with your legally dubious requirement to provide additional images (of the requester's face and government issued identification) in order to search your databases and to process a deletion request. Further, an important and outstanding question remains about the ethics and legality of how your company collected these images in the first place. These collective issues raise significant concerns about Clearview AI's ability to respect and adhere to critical privacy laws and protections.

If Clearview AI intends to meet your legal obligations and fulfill all the requests you have received within the required time frame, please advise so we can communicate that to our community. Alternatively, if you do not intend to meet these requests, we would appreciate a written justification of your actions. An unsatisfactory response will likely motivate the opening of complaints to the Office of the Privacy Commissioner of Canada by many members of our community.

Sincerely,

Laura Tribe
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