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NOTICE TO ALL RESIDENTS AND PUBLIC SERVANTS OF UTAH **Right to Privacy – Government Use of Facial Recognition and Biometric Data Gathering Unconstitutional**

This resolution is presented in pursuance of the mission of the Utah Central Committee, which is to assist Utah individuals, businesses and organizations in asserting their constitutional rights or the rights of the individuals they represent. *There exists no constitutional authority for government use of facial recognition technology on the public, while there do exist constitution prohibitions on it.* Installing biometric data gathering technology in public that each individual does not explicitly opt-in to is a gross violation of the rights of any individual.

WHEREAS, Utah’s legislative act SJR11 “JOINT RESOLUTION ON ENVIRONMENTAL AND DEVELOPMENT POLICIES” in the year 2013 declared “the Legislature rejects United Nations Agenda 21” which is an alternate name for Agenda 2030.

WHEREAS, Utah’s legislative act SB34 “Governmental Use of Facial Recognition” in the year 2021 is fundamentally unconstitutional.

WHEREAS, your facial recognition data, is private information protected from being given to, or data mined by, any government official by the *Fourth Amendment to the US Constitution* and *Article I, Section 14 of the Utah Constitution*.

WHEREAS, SB34 attempts to allow gathering private data on individuals, creating a pseudo-warrant-like process to request the data, but this process does not meet the constitutional requirements for a warrant. An LEO’s statement of probable cause under the new process is not specific for who or what they are looking for and is not done under oath or affirmation and is not done **before** the search which “seizes” your private biometric data.

WHEREAS, no government entity has an authorized general warrant to gather facial recognition data on any human being nor is it constitutionally possible to obtain one for the general public. To gather this data on any individual the government must have “probable cause” supported by “oath or affirmation”, specifically describing what to be searched and seized; a judge must hear and agree to these things, all -before- the data is gathered.

WHEREAS, while individuals do not have an expectation of privacy in public, there are parts of any human body that are still considered private under any circumstance. For example, nobody has a right to reach into someone’s pocket just because they’re in public. Likewise, detailed metadata about a person’s face that requires explicit and intentional technological analysis, is not something that can be casually gathered by public observance, and is a clear “unlawful search and seizure”.

WHEREAS, any attempt by a public entity or public/private partnership to create policy, rules, or laws that violate the principle of the right to privacy and “act under the color of law” (*US Code - Title 18, 242 and Title 42, 1983*) are unconstitutional and unlawful, and enforcement of such unconstitutional rules legally dissolves the qualified immunity of the agent and risks criminal and/or civil penalties to any entity or individual who attempts to enforce them. **Any act of ignoring unconstitutional edicts, rules, pretend-legislation, etc. is in accordance with upholding the law.**

WHEREAS, private entities acting on behalf of the government in a public/private partnership of any kind must still honor the limitations set on the government in this regard. “Whether the Government employs its own surveillance technology... or leverages the technology of a wireless carrier, we hold that an individual maintains a legitimate

expectation of privacy in the record of his physical movements” (Carpenter v. United States, 138 S. Ct. 2206, 2217 - 2018)

WHEREAS, the aforementioned amendments protect ‘the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.’ The ‘basic purpose of this Amendment, is to safeguard the privacy and security of individuals against arbitrary invasions by governmental officials.’ (Carpenter v. United States, 138 S. Ct. 2206, 2213 - 2018) “Facial Recognition” and similar data gathering programs, whether carried out by government officials or a private partnership in any form, are arbitrary invasions of privacy and security.

THEREFORE, we invite all individuals, families, businesses, churches, cities, counties, and any organization to follow the law by asserting their right to privacy through non-compliance with all attempts to install facial recognition cameras, or any biometric data gathering technology, for government use under any circumstances. Including infrastructure designed to support such government-based data gathering. Public/Private partnerships of any kind are also considered Government. We encourage a spirit of cooperation between public servants and residents in honoring the governing law of the land.

THEREFORE, any general data gathered on the public through government or public/private use of facial recognition technology is not lawful evidence in any court of law, as no warrant was issued before the data was gathered.

THEREFORE, Utah’s legislative act SB34 “Governmental Use of Facial Recognition” is hereby nullified by The People of Utah, and all city and county municipalities are encouraged to adopt this resolution into their local code and remove all existing technology that violates the people’s rights and to not participate in any unlawful programs of any government or public/private partnership.