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OFFICE OF THE ATTORNEY GENERAL
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05609-1001

March 5, 2020

Tor Ekeland
Outside Counsel to Clearview AI
214 W. 29th Street
New York, NY 10001

Re: *Violations of Vermont's Consumer Protection Act and
Prohibitions on Fraudulent Acquisition of Data*

VIA ELECTRONIC MAIL

Dear Mr. Ekeland:

I am writing to notify you that your client, Clearview AI, Inc. ("Clearview") has engaged in unfair and deceptive acts and practice in violation of the Vermont Consumer Protection Act, 9 V.S.A. § 2453 (the "Act"), and has acquired personal information of Vermonters in violation of Vermont's Prohibitions on Fraudulent Acquisition of Data, 9 V.S.A. § 2431. You are hereby advised to: (1) cease collecting any photographs that include Vermont residents; and (2) delete or destroy all photographs and facial recognition identifiers of Vermont residents.

Clearview's unfair and deceptive acts include: (1) violating Vermonters' right to privacy; (2) collecting photographs of Vermonters, including those of minors, without their consent, in order to apply facial recognition technology to them; (3) selling or otherwise providing access to a searchable database of Vermonters' facial recognition identifiers to third-parties, including law-enforcement, commercial businesses, universities, and foreign governments; and (4) failing to provide adequate data security for the data that you have collected, as your recent data breach demonstrated, and risking exposure of Vermonters' sensitive data to foreign actors and criminals; and (5) exposing Vermonters to the threat of surveillance, stalking, harassing, and fraud. In addition, your practice of using screen-scraping processes to acquire the photographs of Vermonters, in violation of website Terms of Service and the reasonable expectation of privacy that Vermonters have when they post their photos, constitutes fraudulent acquisitions of data.

The Vermont Consumer Protection Act authorizes the Attorney General to enforce the Act. This includes conducting formal investigations via subpoena (section 2460), and civil actions including injunctive and monetary relief (section 2458). The latter section expressly authorizes the Attorney General to recover a civil penalty of up to \$10,000 for each violation of the Act, and to seek “restitution . . . on behalf of a consumer.” Each photograph downloaded or Vermonter impacted is a separate and distinct violation. Vermont’s Prohibitions on Fraudulent Acquisition of Data are enforced in the same manner as, and subject to the same penalties as, the Act.

Therefore, unless you immediately cease collecting Vermonters’ data and destroy all Vermonters’ data currently in your possession, our Office will request such relief from the Court. Please inform us, in writing, no later than noon Monday, March 9, 2020, whether you will take such action.

Please contact this office with any questions.

Sincerely,

/s/ Ryan Kriger

Ryan Kriger
Assistant Attorney General
Public Protection Division

cc: Jon Bruning, The Bruning Law Group
Katie Spohn, The Bruning Law Group