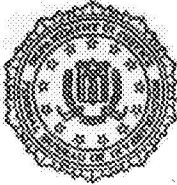


**FEDERAL BUREAU OF INVESTIGATION
 FOI/PA DELETED PAGE INFORMATION SHEET
 FOIPA Request No.: 1357072-0
 Civil Action No.: 17-cv-02567**

Total Withheld Page(s) = 22

Bates Page Reference	Reason for Withholding (i.e., exemptions with coded rationale, duplicate, sealed by order of court, etc.)
FBI17cv02567-11	b7E- 1, 2, 3 per FBI
FBI17cv02567-12	b7E- 1, 2, 3 per FBI
FBI17cv02567-13	b7E- 1, 2 per FBI
FBI17cv02567-14	b7E- 1, 2 per FBI
FBI17cv02567-40	b7E- 1, 2 per FBI
FBI17cv02567-46	b7E- 1 per FBI
FBI17cv02567-47	b7E- 1 per FBI
FBI17cv02567-48	b7E- 1 per FBI
FBI17cv02567-49	b7E- 1 per FBI
FBI17cv02567-50	b7E- 1 per FBI
FBI17cv02567-51	b7E- 1 per FBI
FBI17cv02567-52	b7E- 1 per FBI
FBI17cv02567-53	b7E- 1 per FBI
FBI17cv02567-54	b7E- 1 per FBI
FBI17cv02567-55	b7E- 1 per FBI
FBI17cv02567-94	Duplicate to FBI17cv02567-1
FBI17cv02567-95	Duplicate to FBI17cv02567-2
FBI17cv02567-96	Duplicate to FBI17cv02567-3
FBI17cv02567-97	Duplicate to FBI17cv02567-4
FBI17cv02567-98	Duplicate to FBI17cv02567-5
FBI17cv02567-99	Duplicate to FBI17cv02567-6
FBI17cv02567-100	Duplicate to FBI17cv02567-57

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
 X Deleted Page(s) X
 X No Duplication Fee X
 X For this Page X
 XXXXXXXXXXXXXXXXXXXXXXXXXXXXX



United States Department of Justice
Federal Bureau of Investigation

Washington, D.C. 20535-0001

February 24, 2014

The following Government Furnished Information is being transferred to the National Institute of Standards and Technology (NIST) for internal research in preparation for evaluation of tattoo image matching algorithms:

• [Redacted]
•

b7E -1 per FBI

This information is being provided for the purpose of performing research in preparation for the Challenge/Evaluation of tattoo image matching algorithms that NIST will be hosting in 2014/2015, and shall not be used for any other purpose without written consent from the FBI. This data will not be distributed by NIST and has been cleansed of all Personally Identifiable Information (PII).

[Redacted]

[Redacted]

b6 -1 per FBI
b7C -1 per FBI

(Signature - NIST Recipient)

Mei Nyan 4/8/2014
(Print Name & NIST Recipient)

Wednesday, February 5, 2014 at 2:09:30 PM Eastern Standard Time

Subject: Fw: Tattoo dataset authority to NIST

Date: Monday, June 24, 2013 at 3:33:37 PM Eastern Daylight Time

From: [Redacted]

To: Grother, Patrick J., Ngan, Mei Lee

b6 -1 per FBI
b7C -1 per FBI

Patrick and Mei,

Legal finally got back with me about the questions NIST wanted answers to before proceeding with the paperwork on your end for transfer of the tattoo dataset. Their answer below satisfies the first two questions (FBI's authority to collect and authority to share with NIST), [Redacted]

[Redacted]

b5 -1 per FBI

Thanks,

[Redacted]

b6 -1 per FBI
b7C -1 per FBI

----- Original Message -----

From: [Redacted]

To: [Redacted]

Sent: Mon Jun 24 16:09:00 2013

Subject: RE: Tattoo dataset authority to NIST

I found some emails on the other side that answered my follow-up questions.

I have answers to questions 1 and 2. Question 3 is going to take some more time.

1) 28 USC 534 authorizes the FBI to collect and preserve criminal identification and other records, to include the images of tattoos collected in conjunction with these functions.

2) Sharing of information in the FBI's system of records with other federal agencies is a routine use for the records allowed under The Privacy Act of 1974, 5 U.S.C. 552a(b)(3).

[Redacted]

Assistant General Counsel
Federal Bureau of Investigation

b6 -1 per FBI
b7C -1 per FBI

[Redacted]

Confidentiality Statement:

This message is transmitted to you by the Office of the General Counsel of the Federal

Bureau of Investigation. The message, along with any attachments, may be confidential and legally privileged. If you are not the intended recipient of this message, please destroy it promptly without further retention or dissemination (unless otherwise required by law). Please notify the sender of the error by a separate e-mail or by calling

[Redacted]

b6 -1 per FBI
b7C -1 per FBI

From: [Redacted]
Sent: Monday, June 24, 2013 15:32
To: [Redacted]
Subject: Re: Tattoo dataset authority to NIST

[Redacted]

b5 -1 per FBI
b7E -1 per FBI

----- Original Message -----

From: [Redacted]
To: [Redacted]
Sent: Mon Jun 24 15:27:35 2013
Subject: RE: Tattoo dataset authority to NIST

b6 -1 per FBI
b7C -1 per FBI

[Redacted]

b5 -1 per FBI
b7E -1 per FBI

[Redacted]
Assistant General Counsel
Federal Bureau of Investigation

[Redacted]

b6 -1 per FBI
b7C -1 per FBI

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[Redacted]

From: [redacted]
Sent: Monday, June 24, 2013 13:18
To: [redacted]
Subject: RE: Tattoo dataset authority to NIST

b6 -1 per FBI
b7C -1 per FBI

[redacted]
[redacted]

b5 -1 per FBI
b7E -1, 2 per FBI

Thanks,

[redacted]

From: [redacted]
Sent: Monday, June 24, 2013 11:53 AM
To: [redacted]
Subject: RE: Tattoo dataset authority to NIST

b6 -1 per FBI
b7C -1 per FBI

[redacted]

[redacted]

b5 -1 per FBI
b7E -1 per FBI

Thanks,

[redacted]

[redacted]
Assistant General Counsel
Federal Bureau of Investigation

b6 -1 per FBI
b7C -1 per FBI

[redacted]

Confidentiality Statement:

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[redacted]

b6 -1 per FBI
b7C -1 per FBI

From: [redacted]
Sent: Friday, May 24, 2013 14:31

To: [redacted]

Cc: [redacted]

Subject: Tattoo dataset authority to NIST

b6 -1 per FBI
b7C -1 per FBI

[redacted]

[Large redacted area]

b5 -1 per FBI

[Redacted]

b5 -1 per FBI

[Redacted]

Thank you,

[Redacted]

FBI/Biometric Center of Excellence

b6 -1 per FBI
b7C -1 per FBI

[Redacted]

1.

1

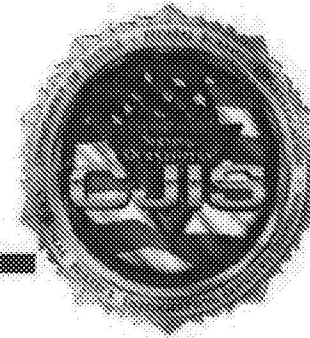


Scars, Marks, Tattoos & Symbols Overview

FACE Unit/SMTS Program
NIST Conference Brief
June 8, 2015



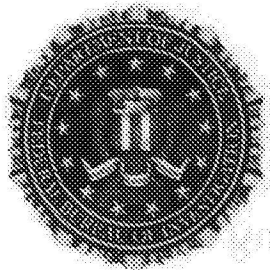
SMTS Group



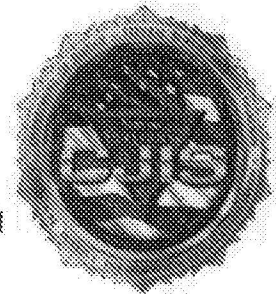
SMTS Mission:

To provide forensic scar, mark, tattoo and symbol identity, affiliation, and meaning services that support FBI operations in safeguarding the public against terrorist and criminal activity.

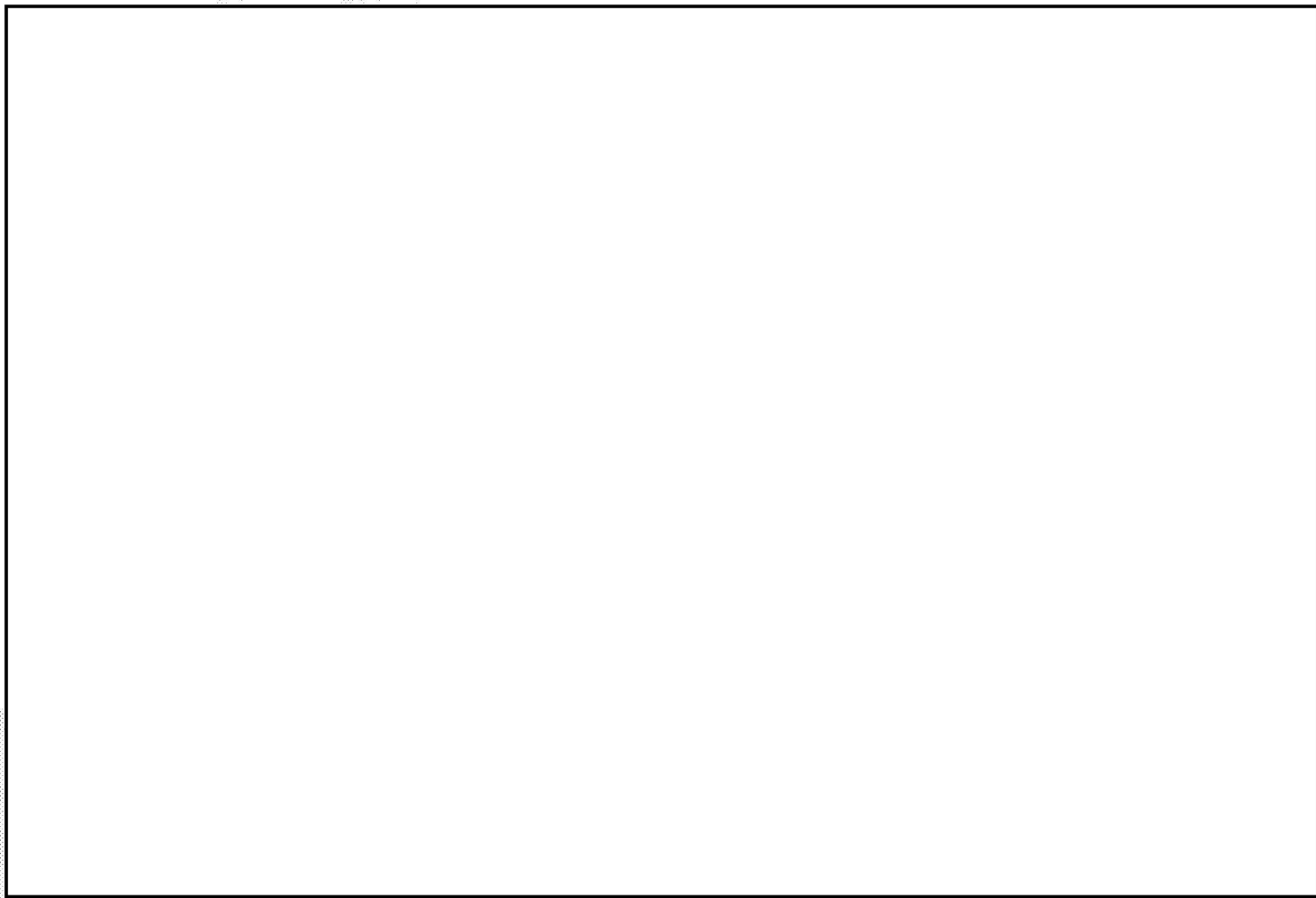
The SMTS effort is striving to provide two services, both providing investigative leads. The first is based on the NGI IPS information to support investigations that will lead to an identity. The second service is affiliation information relative to the image submission to include suggested gang membership, terrorist relevance, location, symbols description/meaning and visual identifiers such as colors, clothing, jewelry etc.



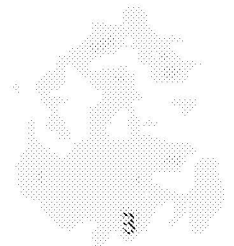
SMTS Investigative Lead Services

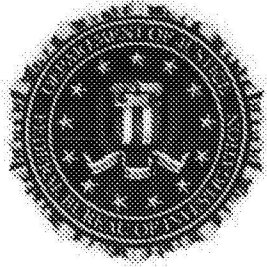


NGI/IPS-Based Service



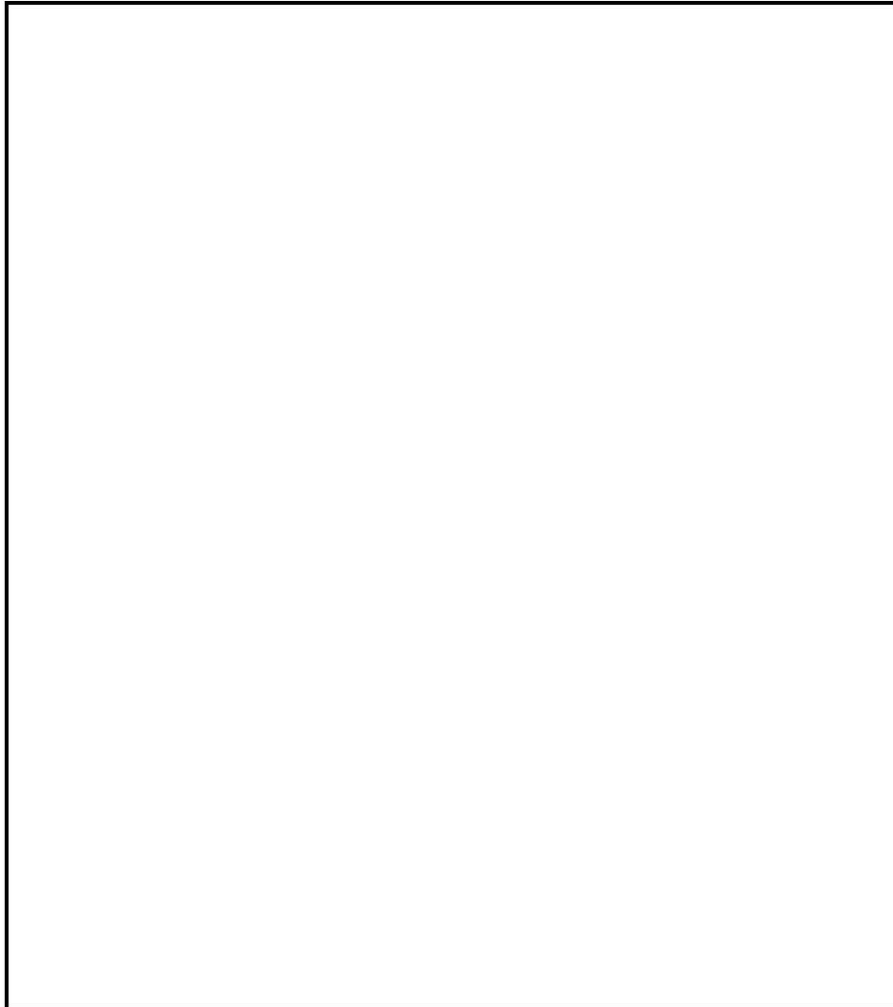
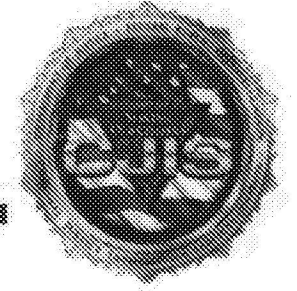
b7E -1, 2 per FBI





SMTS Investigative Lead Services

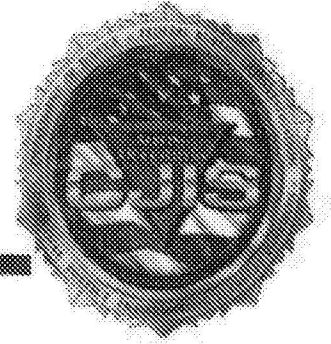
Continued...



b7E -1, 2 per FBI



Questions / Comments



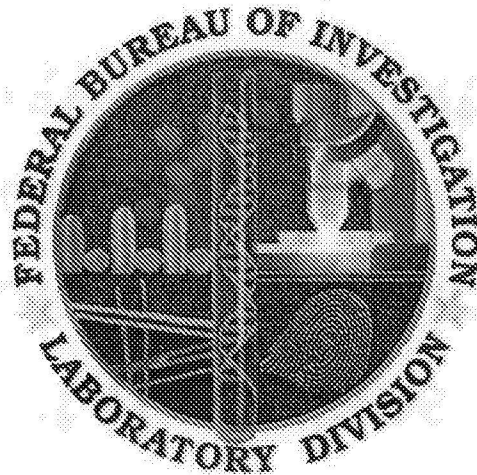
Contact Information:

b6 -1 per FBI
b7C -1 per FBI

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Tattoo, Graffiti and Symbol Identification

A Codebreakers Perspective

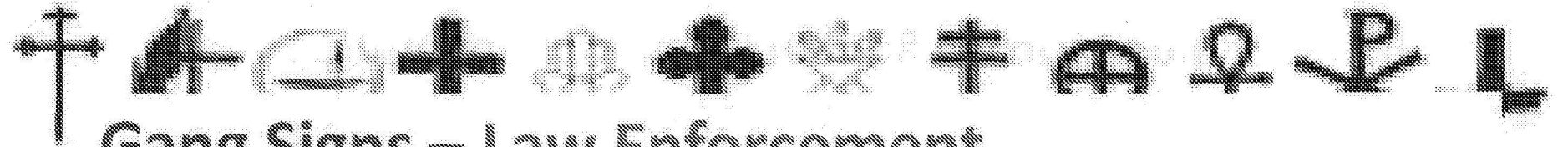
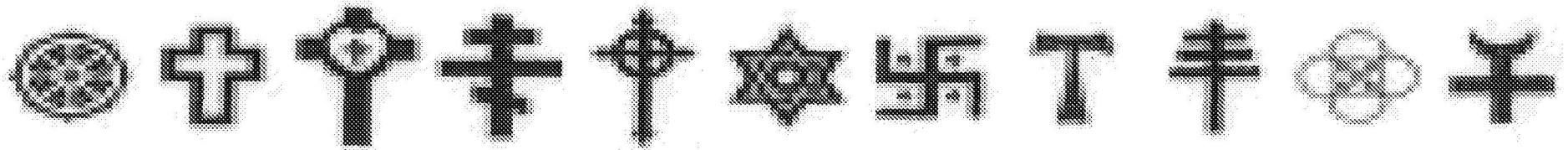


Daniel Olson
Unit Chief

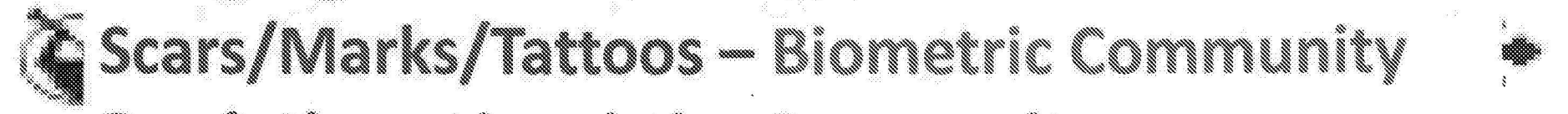
Cryptanalysis & Racketeering Records Unit
Laboratory Division

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FBI17cv02567-16



Gang Signs – Law Enforcement



Scars/Marks/Tattoos – Biometric Community



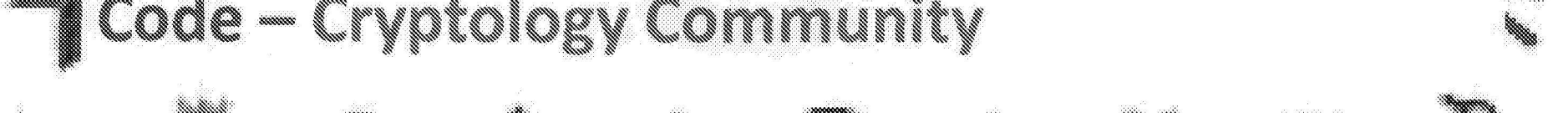
Semiotics – Linguistics Community



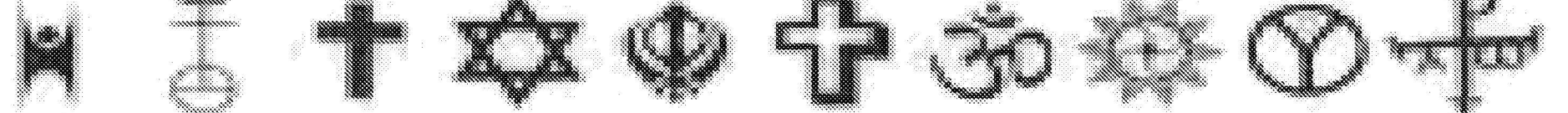
Iconography – Art Historians



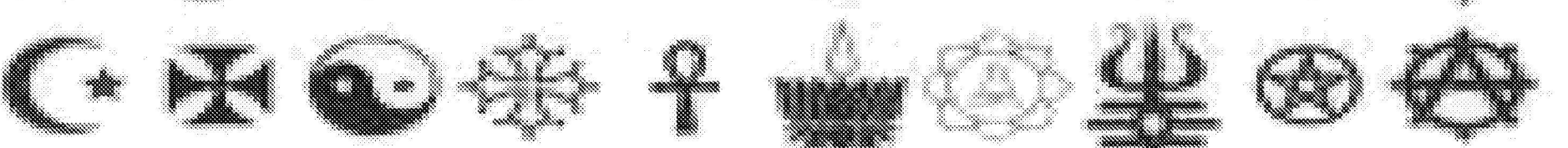
Religious Symbolology – Religious Studies

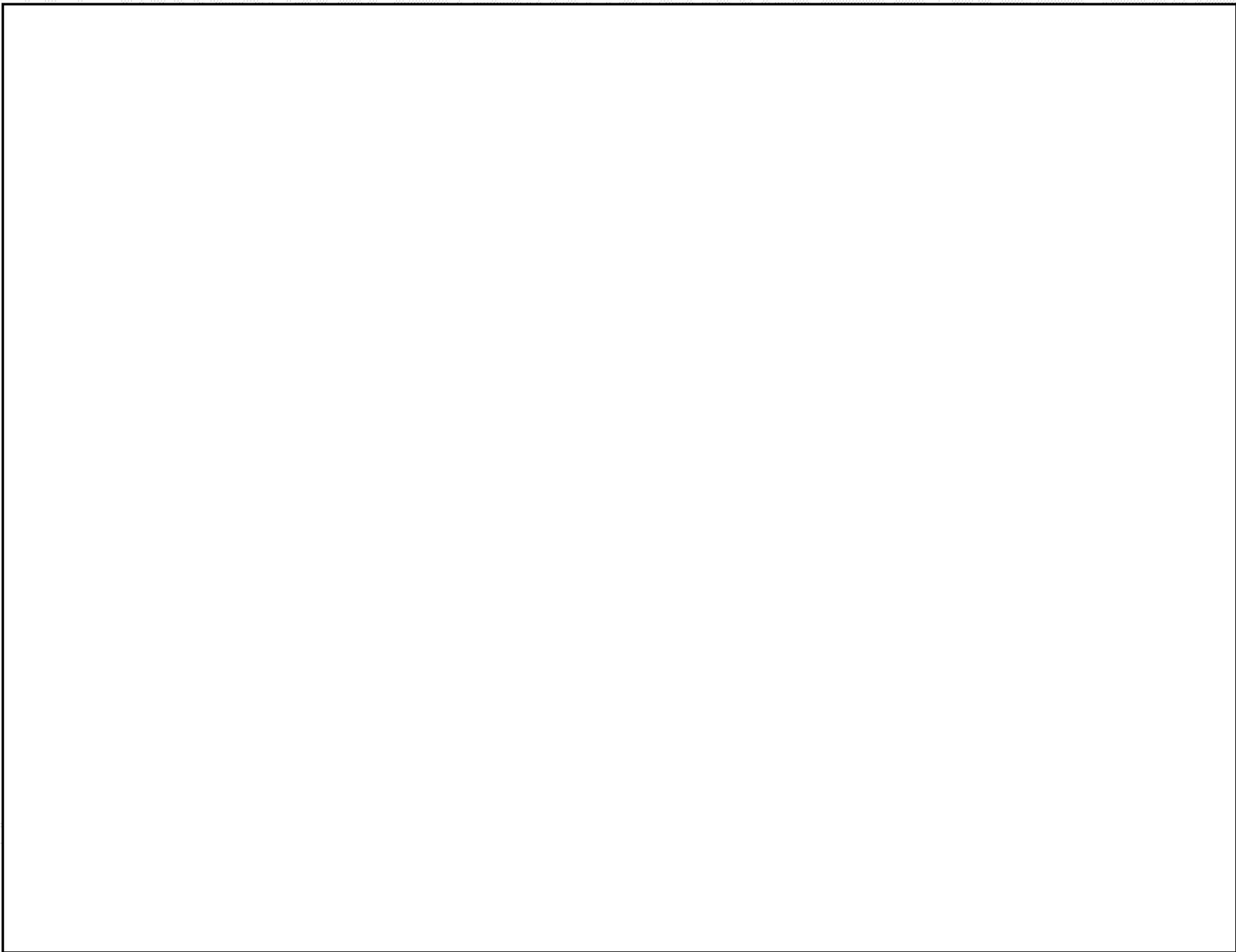


Symbolic Anthropology – Anthropologist

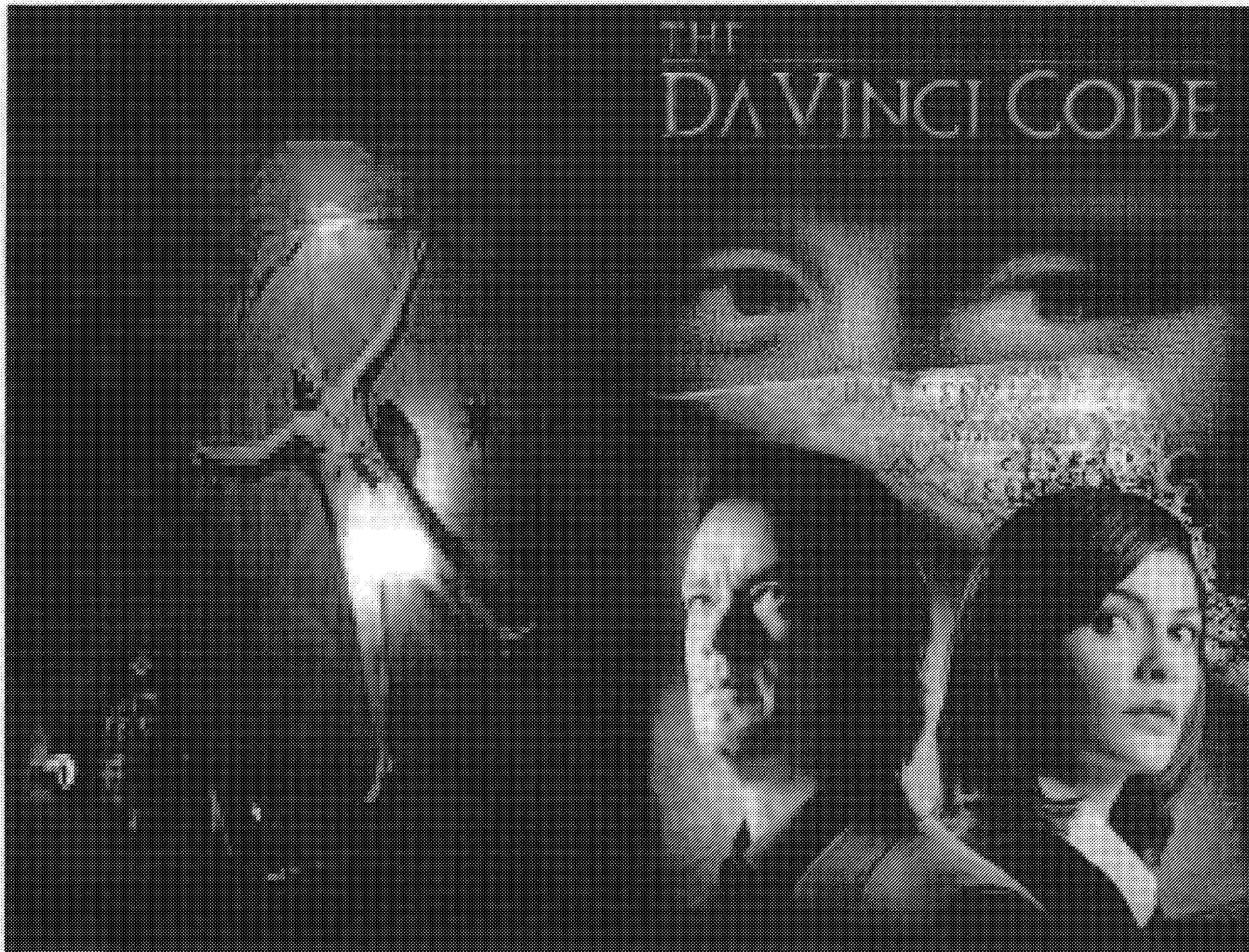


Code – Cryptology Community

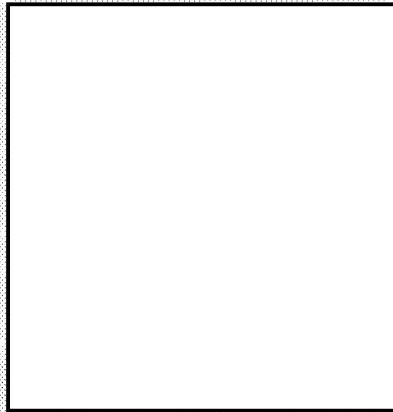




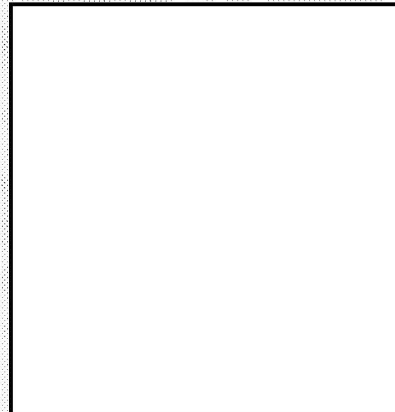
THE
DA VINCI CODE



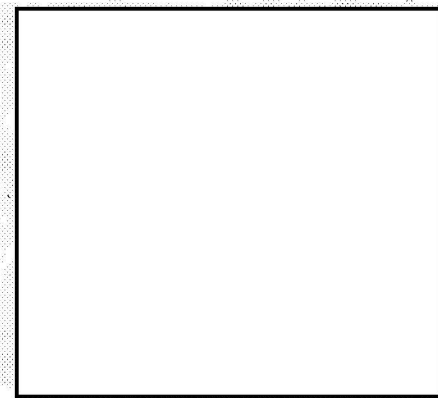
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Drug Trafficking/
Border Interdiction



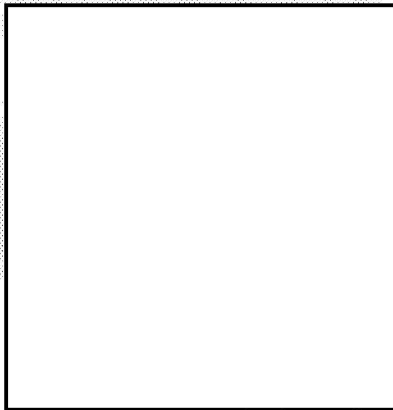
Crime Scenes



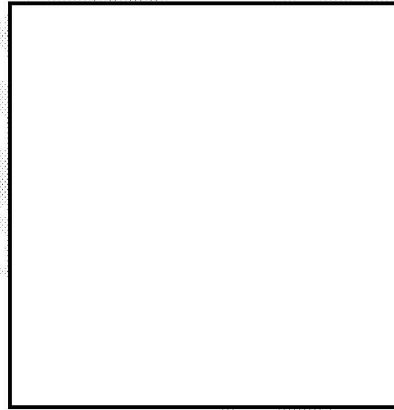
Threat Assessments

b7E -1 per FBI

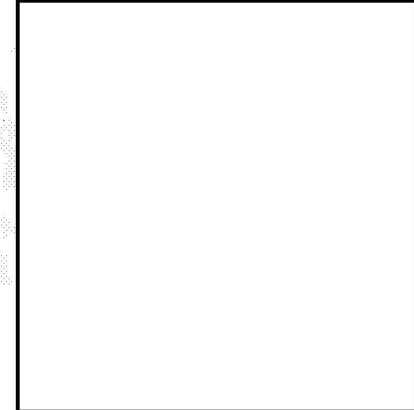
Law Enforcement Interest in Symbols



Street/Prison Gangs



Terrorism/Hate Groups



Identity

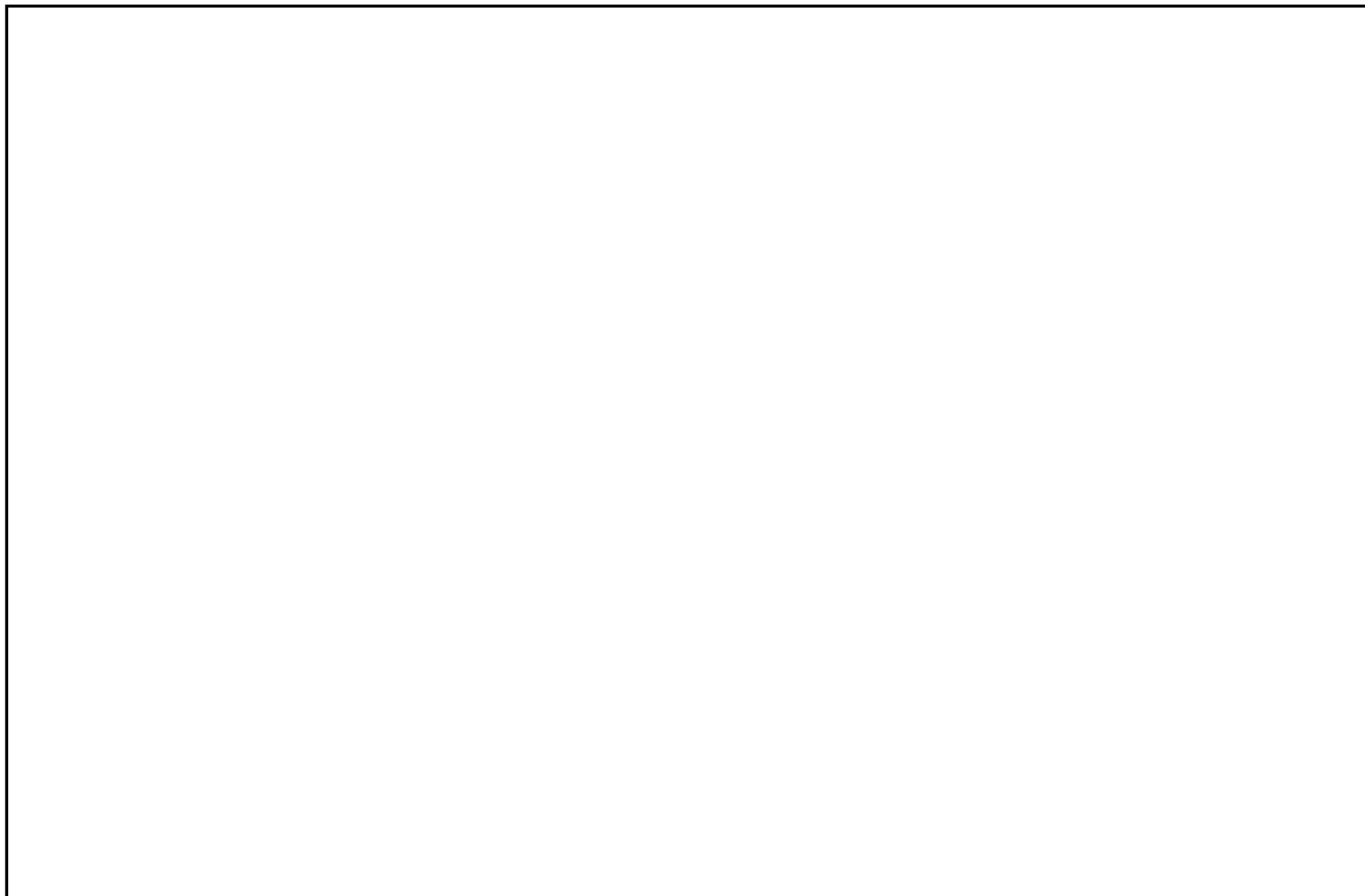
b7E -1 per FBI

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FBI Tattoo/Graffiti Research Efforts

b7E -5 per FBI

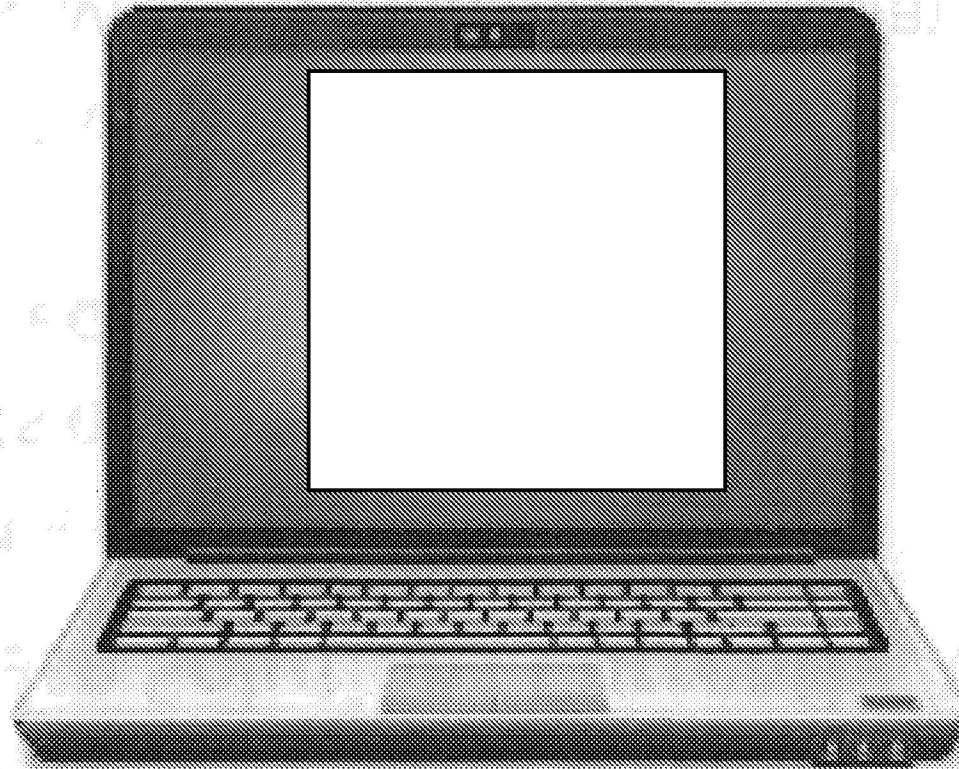


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FBI17cv02567-21

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**We want a single one stop database
to tell us what a symbol means**



b7E -1 per FBI

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FBI17cv02567-22

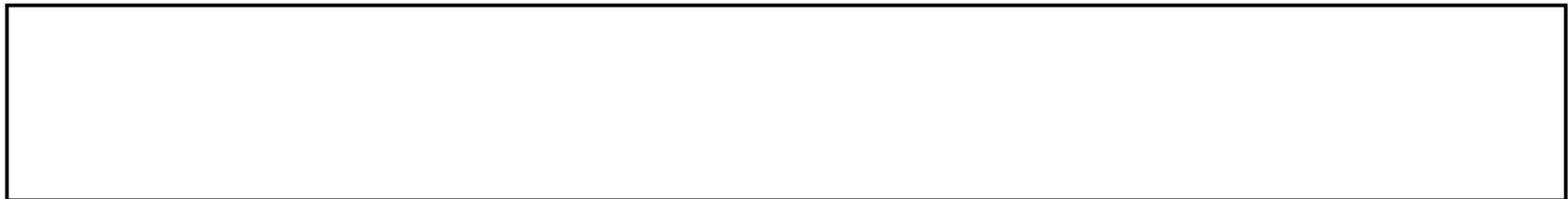
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What Does This Symbol Mean?

Database Solutions Currently Available



b7E -1, 2 per FBI



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FBI17cv02567-23



Hate On Display:

A Visual Database of Extremist Symbols, Logos and Tattoos

[Introduction](#)

[Graphic Symbols](#)

[Pagan Symbols Co-opted by Extremists](#)

[Number Symbols](#)

[Racist Acronyms](#)

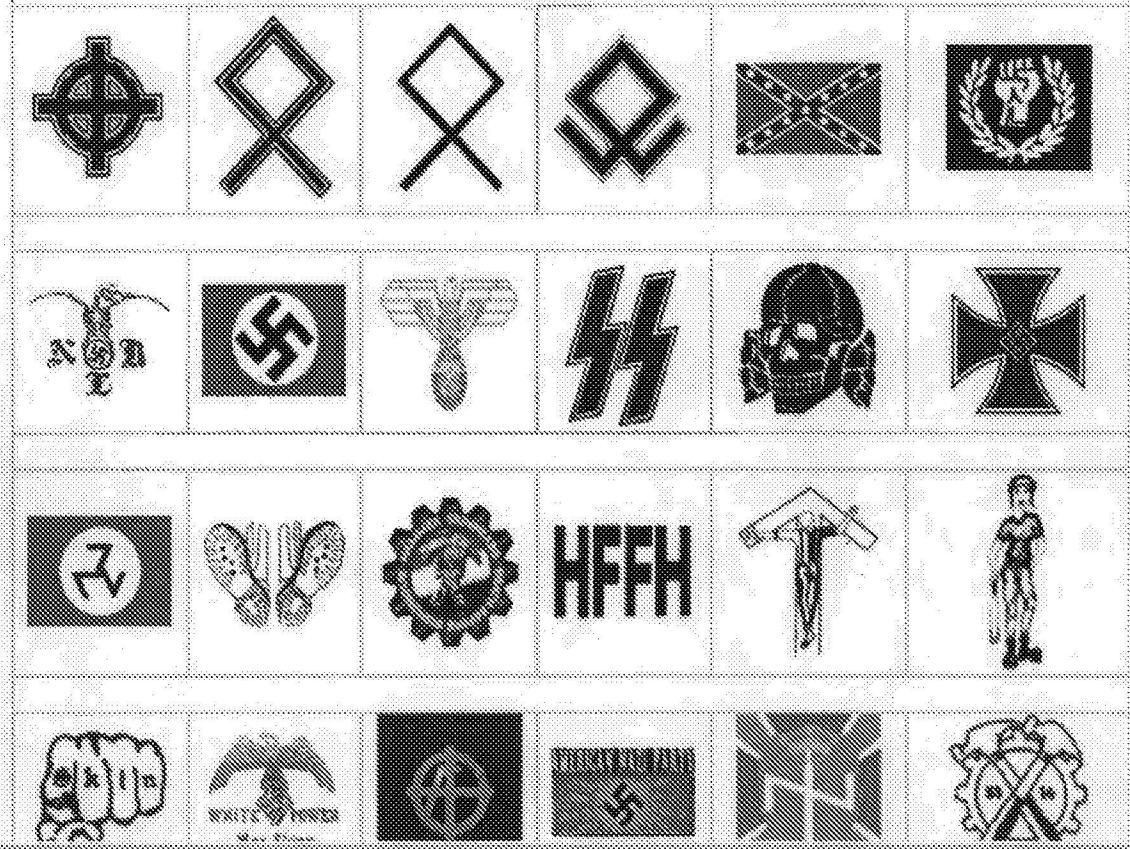
[White Power Music](#)

[About The Symbols](#)

STAY INFORMED !!
 Subscribe to ADL's Law Enforcement newsletter
 Enter E-Mail



Click on the Image to Find Out About the Symbol



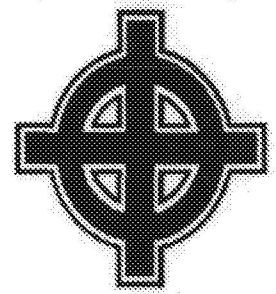


Hate On Display:

A Visual Database of Extremist Symbols, Logos and Tattoos

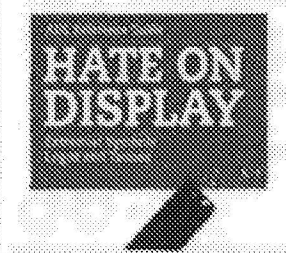
- [Introduction](#)
- [Graphic Symbols](#)
- [Pagan Symbols Co-opted by Extremists](#)
- [Number Symbols](#)
- [Racist Acronyms](#)
- [White Power Music](#)
- [About The Symbols](#)

Celtic Cross



Symbol Type	General Racist Symbol
Also Known As	"Odin's Cross"
Traditional Use/Origins	The symbol for the Celts of ancient Ireland and Scotland; also used as a Christian symbol
Hate Group/Extremist Organization	Neo-Nazis, White Supremacists
Extremist Meaning or Representation	International white pride
Background/History	This is one of the most popular symbols for neo-Nazis and white supremacists. First popularized by the Ku Klux Klan, the symbol was later

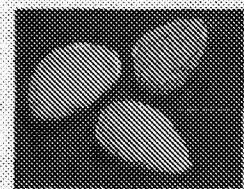
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Entries beginning with A

- [Abnormality](#)
- [Abyss](#)
- [Acorn](#)
- [Adam and Eve](#)
- [Air](#)
- [Alchemy](#)
- [Alcohol](#)
- [Almond](#)
- [Aloe](#)
- [Alpha and Omega](#)
- [Amber](#)
- [Anchor](#)
- [Androgyne](#)
- [Angels](#)
- [Animals](#)
- [Ant](#)
- [Ape](#)

Almond



Virginity, the self-productive, conjugal happiness. Yonic. As the first flower of the year the blossom is the Awakener, hence it depicts watchfulness, it also represents sweetness, charm, delicacy. For the Chinese, it is feminine beauty, fortitude in sorrow, watchfulness. In the Christian tradition, the almond signifies divine favour and approval, and the purity of the Virgin. The nut is concealed within an outer skin, bringing the idea of the essence hidden within things of little apparent importance: for example, the divinity of Christ hidden within the mortal human form. It is often connected with sex, across cultures and eras; in India, the almond is the vulva, and eating the almond signifies the sexual act. In mythology, it is attributed to Atys, who was conceived by a virgin from an almond. A Jewish myth places the entrance to the underworld at the base of an almond tree. A dream of almonds might represent a difficult problem about 'something essentially precious, very often connected with sex' (Julien, 13). Most often associated in its TREE form.

[Up one level](#)

[Back to document index](#)



CATEGORY 01: CELESTIAL BODIES, NATURAL PHENOMENA, GEOGRAPHICAL MAPS

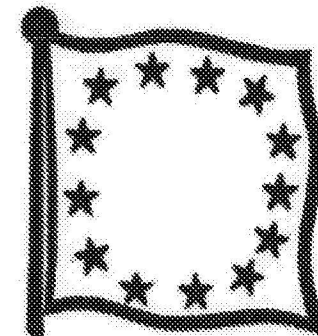
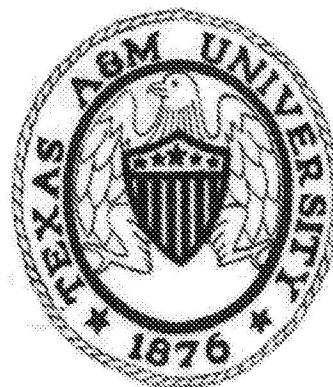
TABLE OF DIVISIONS IN CATEGORY 01

Stars, comets	01.01
Constellations, starry sky	01.03
Sun	01.05
Globes	01.07
Planets, asteroids, meteors, the solar system and atomic or molecular models	01.09
Moons	01.11
Natural phenomena	01.15
Maps or outlines of continents, countries, and other geographical areas	01.17

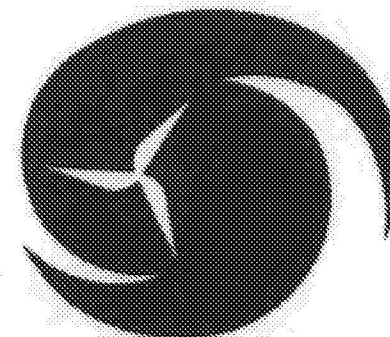
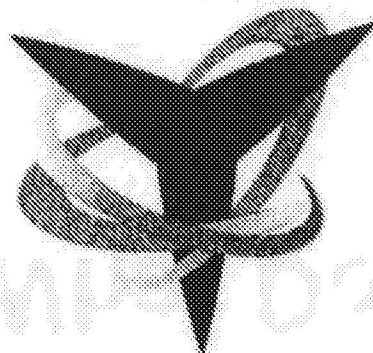
01 CELESTIAL BODIES, NATURAL PHENOMENA, GEOGRAPHICAL MAPS

01.01 Stars, comets

Specific Guideline 5: Stars in flags are not coded in 01.01. Flags are coded in 24.09. Stars in shields or medals are not coded in 01.01. Shields are coded in 24.01 and medals are coded in 24.07.



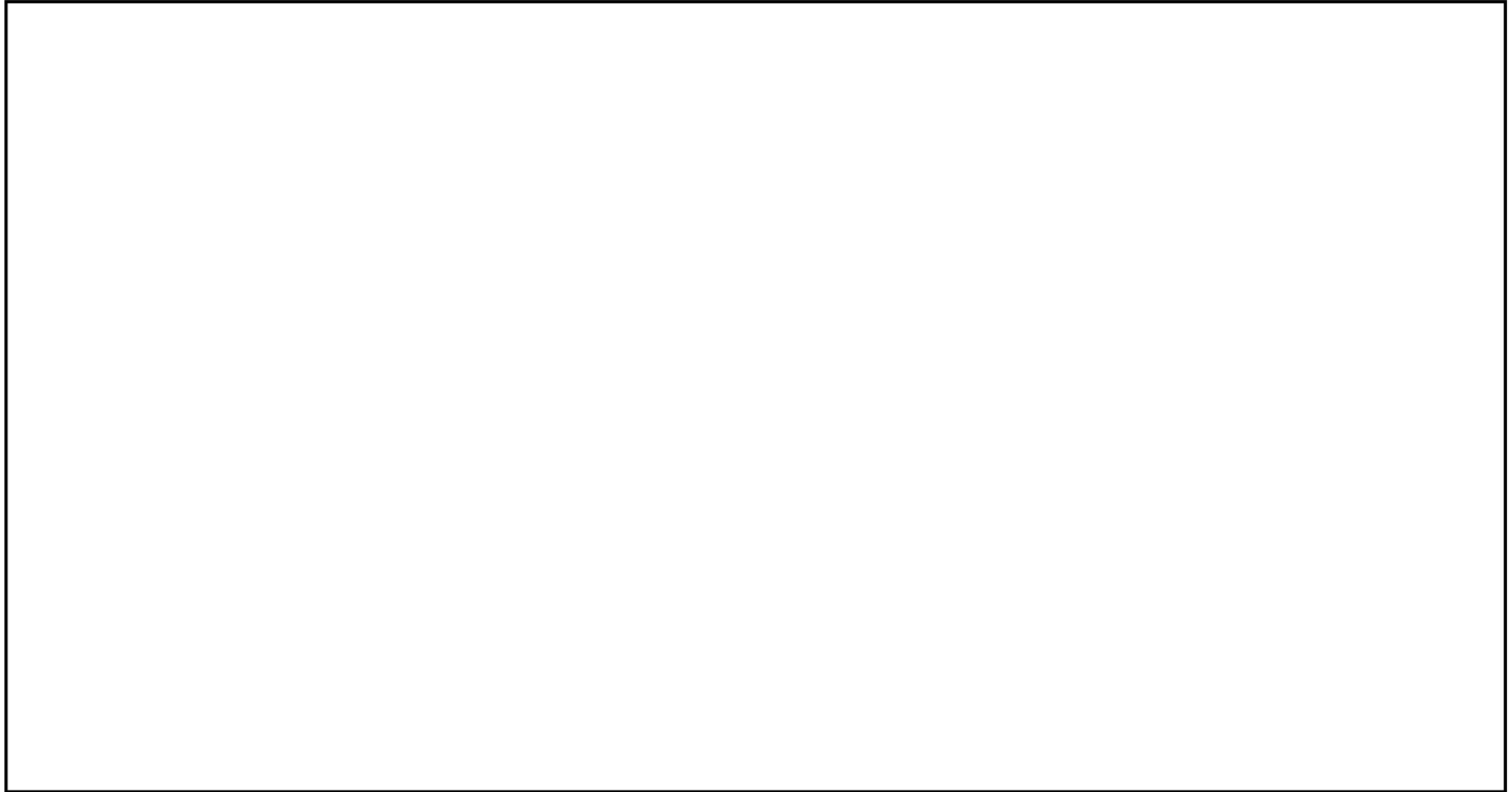
01.01.01 Stars with three points



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What Does This Tattoo Mean?

b7E -1 per FBI

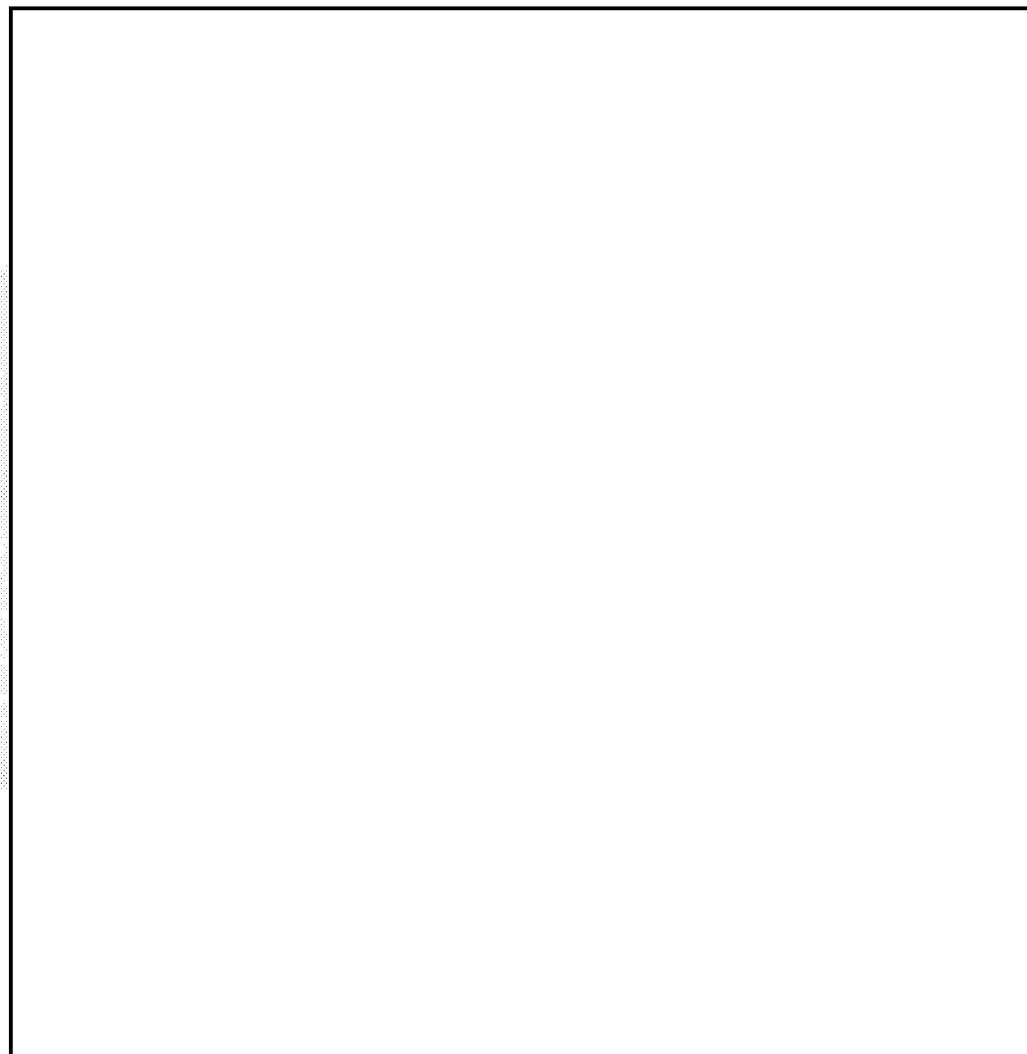


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FBI17cv02567-31

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What Does This Tattoo Mean?



b7E -1 per FBI

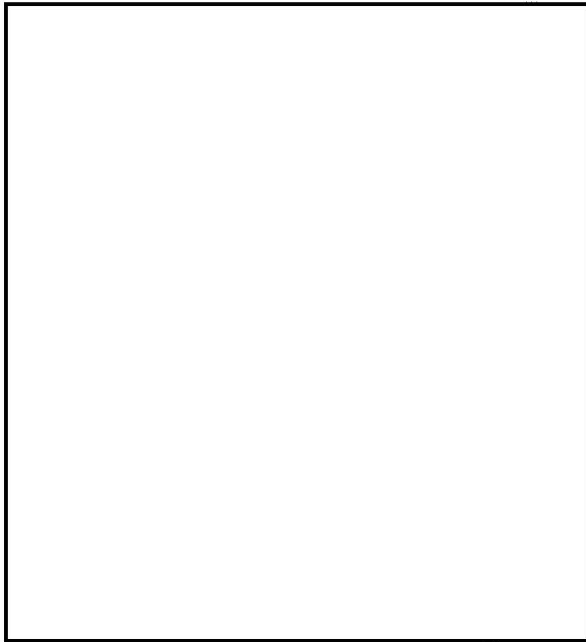
MPSE DOG? 1 1/2 2 1/2 PO, 1/10/13

UNCLASSIFIED

FBI17cv02567-32

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What Does This Symbol Mean?



b7E -1 per FBI

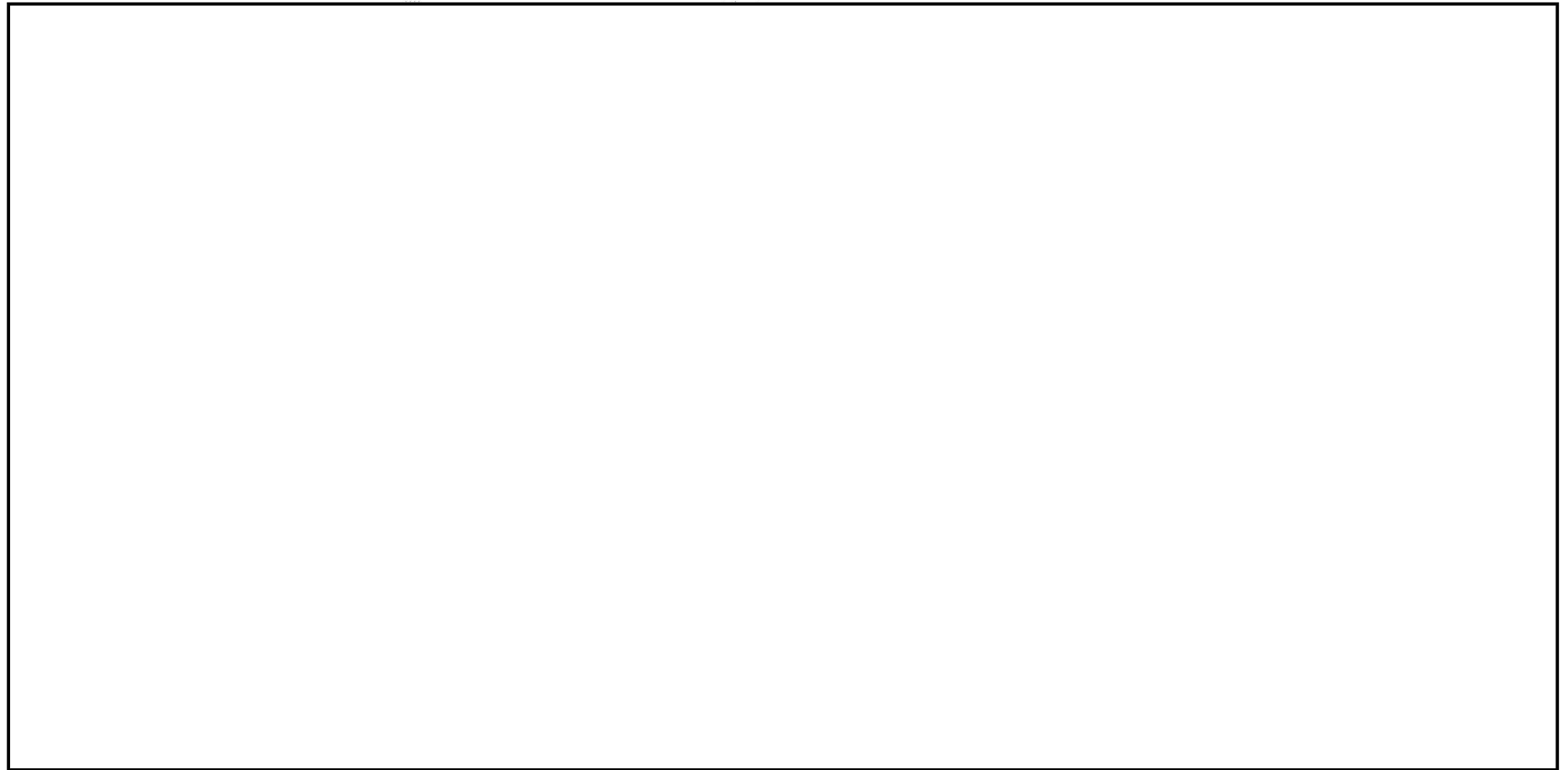
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FBI17cv02567-33

UNCLASSIFIED

What Does This Symbol Mean?

b7E -1 per FBI



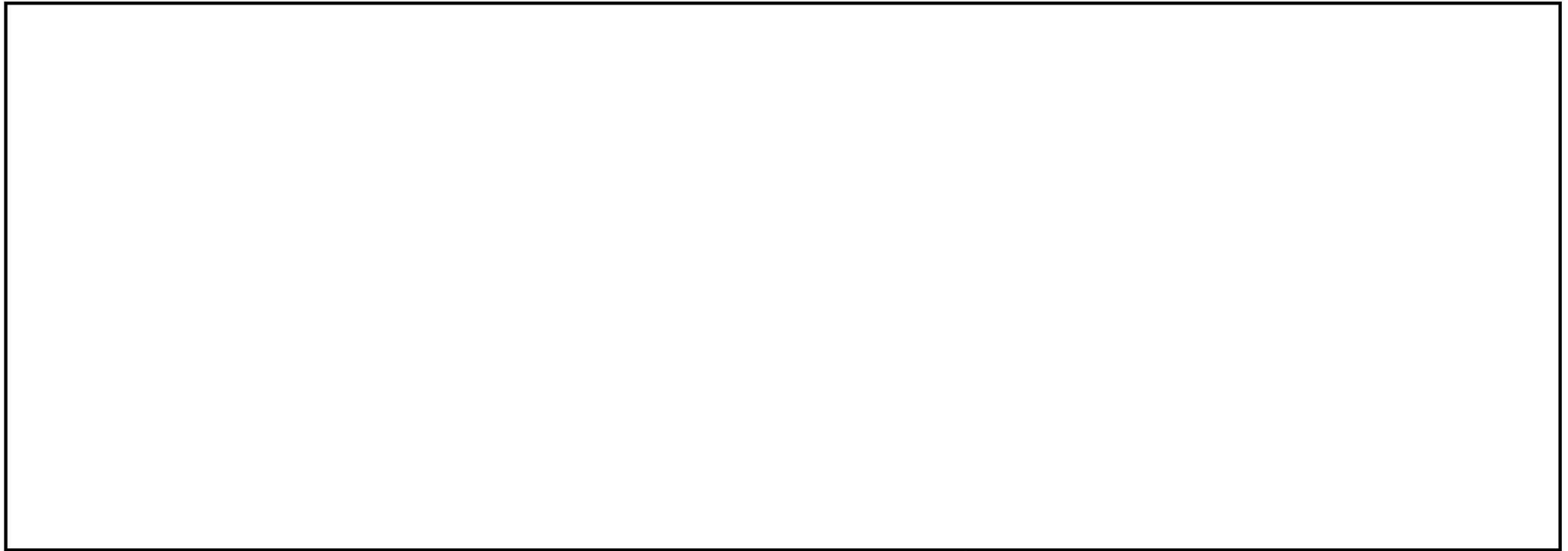
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FBI17cv02567-34

UNCLASSIFIED

~~What Does This Symbol Mean?~~

b7E -1 per FBI



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Image to Image (i2i) Matching

b7E -1, 3 per FBI



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FBI17cv02567-36

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Have We Seen Similar Symbols?

b7E -1, 3 per FBI

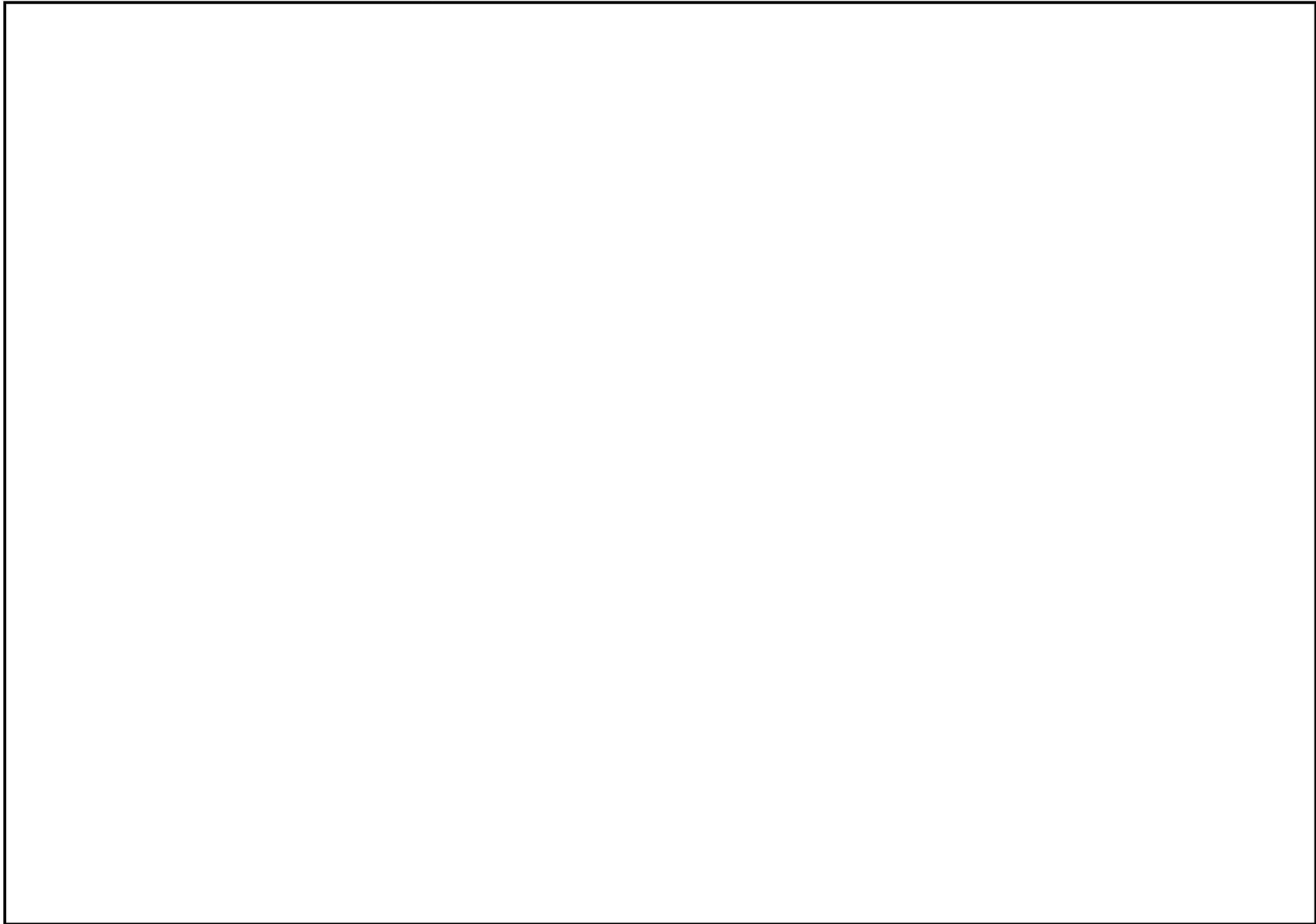
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FBI17cv02567-37

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What Conclusions Can We Make?

b7E -1, 3 per FBI



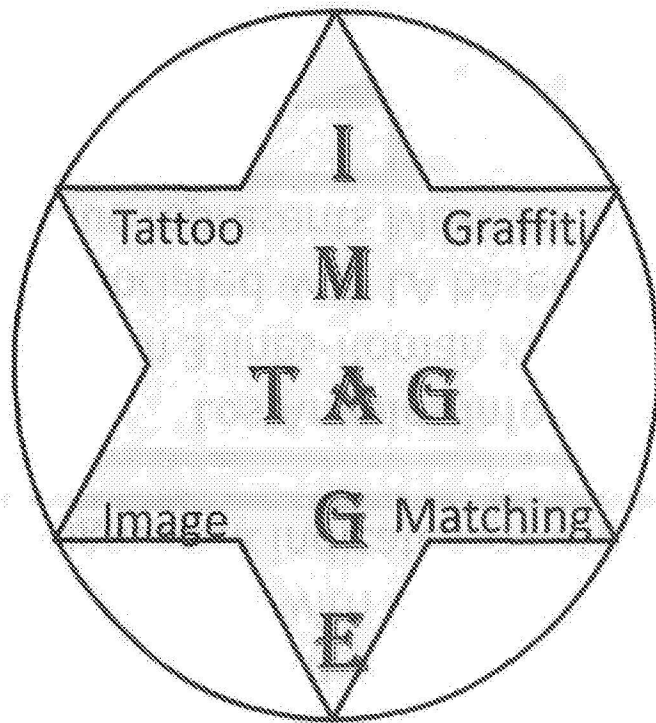
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FBI17cv02567-38

UNCLASSIFIED

TAG-IMAGE

Tattoo and Graffiti Image Matching and Graphic Evaluation



Ideal Database

- User populated
- Raw (unedited) database
- Not metadata dependant
- Robust "i2i" search capability
- Low cost/overhead

• Does NOT attempt to answer the question "What does this mean?"

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FBI17cv02567-39

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The Technology We Need:

Web accessible user populated database with
instant i2i matching

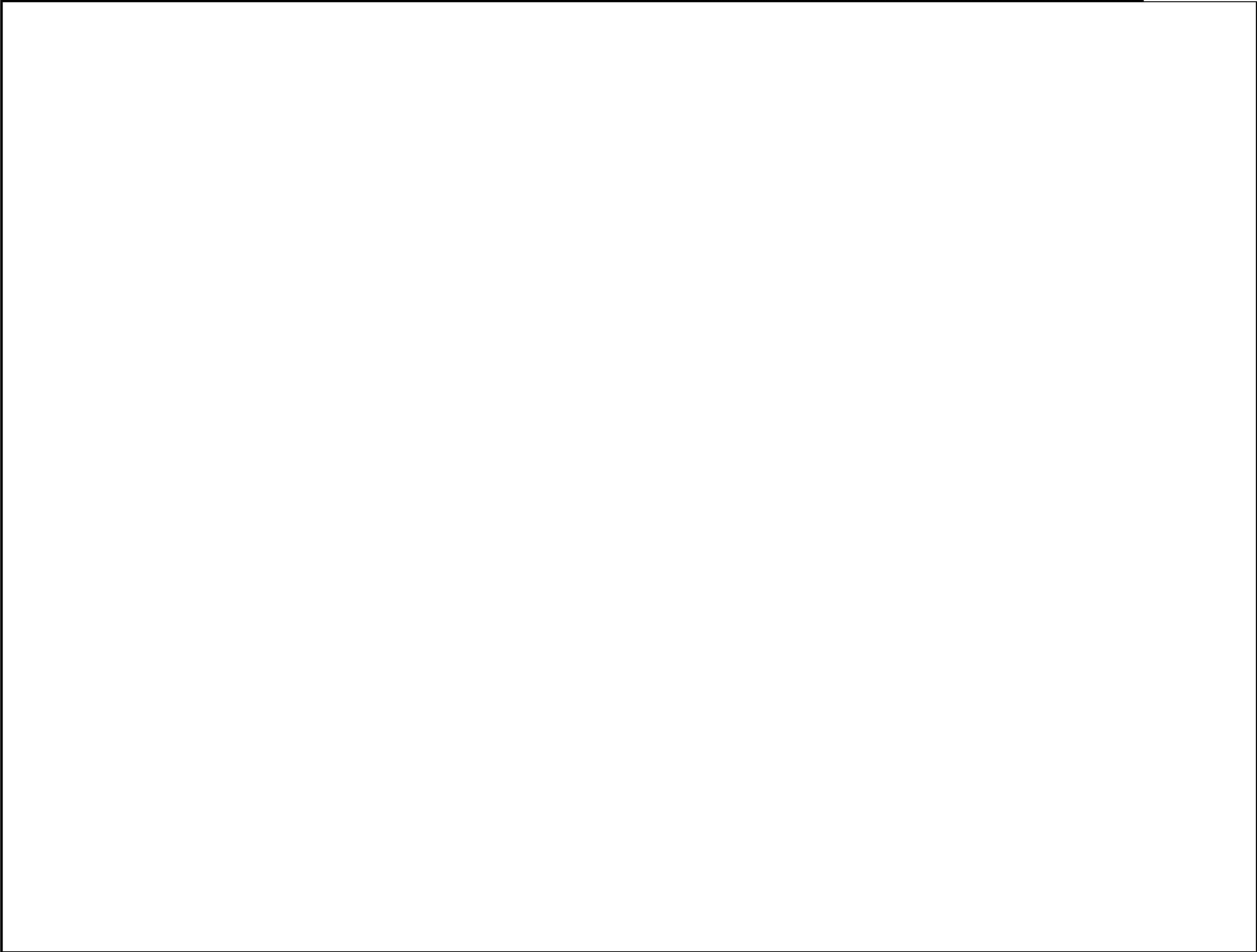


b7E -2 per FBI

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FBI17cv02567-41

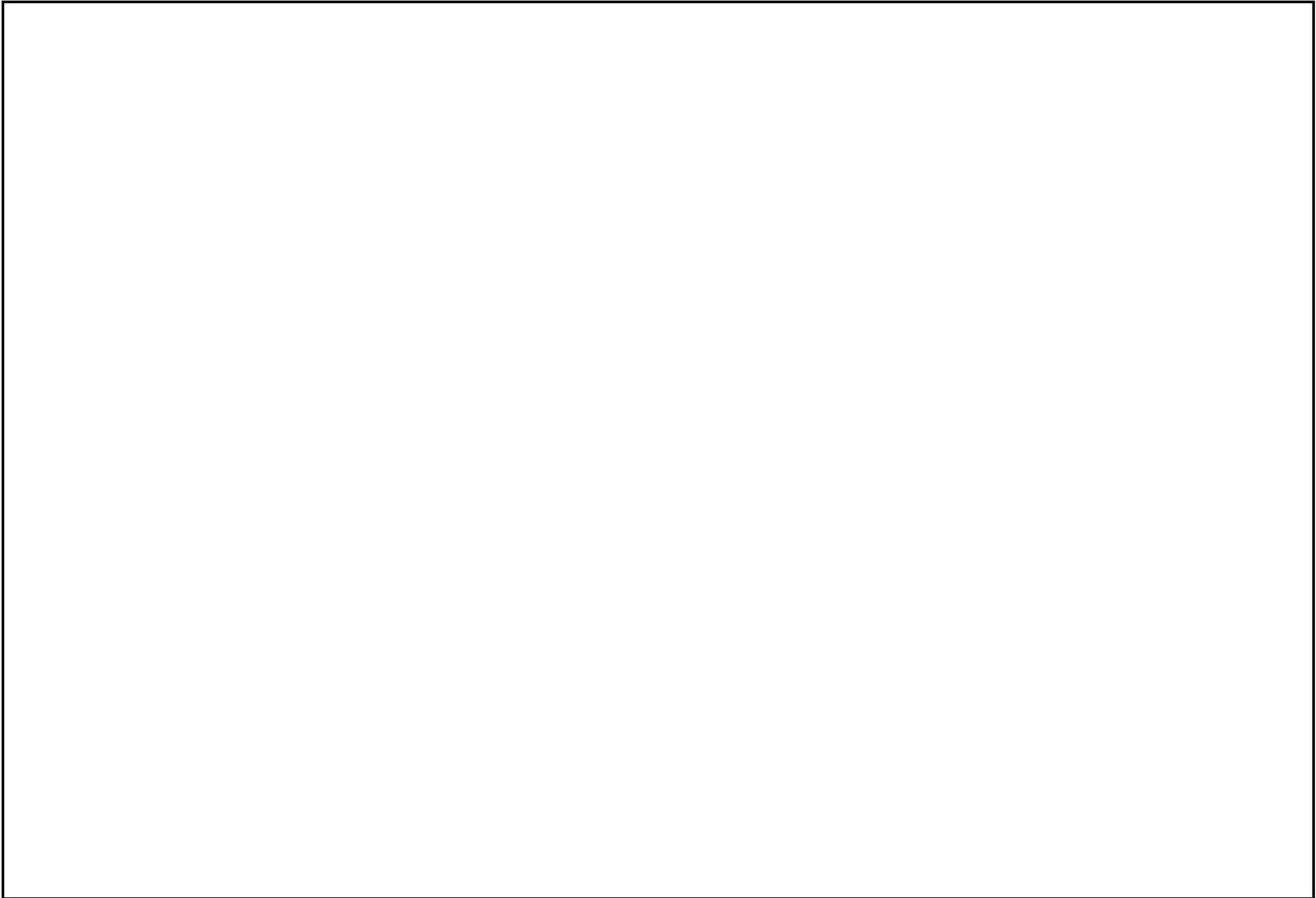




UNCLASSIFIED

FBI LABORATORY - TAG IMAGE PROGRAM

b7E -1, 3, 4 per FBI



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FBI17cv02567-44

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TAG IMAGE Program Submissions



b7E -1 per FBI

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FBI17cv02567-45

Allen, Thelma A.

From: [redacted] (CJIS) (FBI) [redacted]
Sent: Wednesday, March 18, 2015 3:54 PM
To: Ngan, Mei Lee
Cc: Allen, Thelma A.
Subject: FBI Operational Data

b6 -1 per FBI
b7C -1 per FBI

Concerning the FBI supplied GFI tattoo data, NIST does not and will never receive codes tying the operational tattoo data back to any individuals.

[redacted]
FBI/Biometric Center of Excellence

[redacted]

[redacted]
From: [redacted] (CJIS) (FBI) [redacted]
Sent: Wednesday, November 04, 2015 4:43 PM
To: Ruberto, Jacob; [redacted] (CJIS) (FBI); 'Ngan, Mei Lee'
Subject: RE: Tattoo Project

b6 -1, 2 per FBI
b7C -1, 2 per FBI

Yep, Mei and [redacted] are right, BCOE is looking to help advance the pattern matching technologies for the interest of our law enforcement partners as well as the FBI.

[redacted] I don't think the blurb would be a problem. Thanks to all for the help!

----- Original message -----

From: [redacted]
Date: 11/04/2015 4:00 PM (GMT-05:00)
To: [redacted] (CJIS) (FBI); [redacted] "Ngan, Mei Lee" <meilee.ngan@nist.gov>; [redacted] (CJIS) (FBI); [redacted]
Subject: RE: Tattoo Project

b6 -1, 2 per FBI
b7C -1, 2 per FBI

Ok we may add a small blurb in the NDA just to be safe. When we're done with it, you can review.

[redacted]

b6 -1, 2 per FBI
b7C -1, 2 per FBI

From: [redacted] (CJIS) (FBI) [redacted]
Sent: Wednesday, November 04, 2015 3:59 PM
To: 'Ngan, Mei Lee' <meilee.ngan@nist.gov>; [redacted] (CJIS) (FBI) [redacted]
Subject: RE: Tattoo Project

I don't think we have any plans on using the images. Our main interest is for the NIST studies.

[Redacted]

b6 -1 per FBI
b7C -1 per FBI

FBI/BCOE

From: Ngan, Mei Lee [mailto:meilee.ngan@nist.gov]

Sent: Wednesday, November 04, 2015 3:55 PM

To: [Redacted] (CJIS) (FBI) [Redacted]

Cc: [Redacted] (CJIS) (FBI) [Redacted]

Subject: Re: Tattoo Project

b6 -1, 2 per FBI
b7C -1, 2 per FBI

Hi [Redacted]

The plan is to share the outcomes of the tattoo research/evaluation with the FBI/BCOE. As for the images the only scenario I can think of where we'd share the images with the FBI/BCOE is if their folks were to do some potential ground-truthing activities. [Redacted]

Thanks!

Mei

From: [Redacted]

Date: Wednesday, November 4, 2015 at 3:48 PM

To: M Ngan <meilee.ngan@nist.gov>, [Redacted] (CJIS) (FBI)" [Redacted]

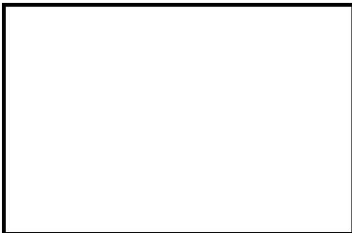
Cc: [Redacted] (CJIS) (FBI)" [Redacted]

Subject: RE: Tattoo Project

b6 -1, 2 per FBI
b7C -1, 2 per FBI

Mei. Would these tattoo images be shared with the FBI's BCOE by any chance as well for research?

[Redacted]



b6 -1, 2 per FBI
b7C -1, 2 per FBI

From: Ngan, Mei Lee [mailto:meilee.ngan@nist.gov]

Sent: Wednesday, November 04, 2015 2:24 PM

To: [redacted] (CJIS) (FBI) [redacted]

Cc: [redacted] (CJIS) (FBI) [redacted]

Subject: Re: Tattoo Project

No problem [redacted] When time gets closer, it might be a good idea if you could share a small sample of images/metadata file with us to make sure we have the right info/format. Does that sound possible?

From: [redacted]

Date: Wednesday, November 4, 2015 at 2:12 PM

To: M Ngan <meilee.ngan@nist.gov>, [redacted] (CJIS) (FBI)" [redacted]

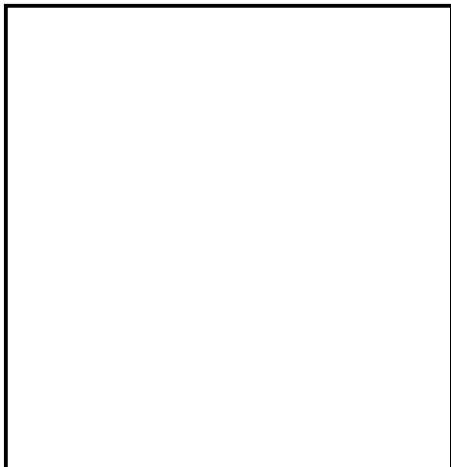
Cc: [redacted] (CJIS) (FBI)" [redacted]

Subject: RE: Tattoo Project

Got it. Thanks for the quick replies. you're fast!



b6 -1, 2 per FBI
b7C -1, 2 per FBI



From: Ngan, Mei Lee [mailto:meilee.ngan@nist.gov]

Sent: Wednesday, November 04, 2015 2:02 PM

To: [redacted] (CJIS) (FBI) [redacted]

Cc: [redacted] (CJIS) (FBI) [redacted]

Subject: Re: Tattoo Project

b6 -1, 2 per FBI
b7C -1, 2 per FBI
b7E -1 per FBI

Hi [redacted]

Our preference would be [redacted]

Thanks!

Mei

From: [redacted]

b6 -1, 2 per FBI
b7C -1, 2 per FBI

Date: Wednesday, November 4, 2015 at 1:56 PM

To: M Ngan <meilee.ngan@nist.gov> [redacted] (CJIS) (FBI)" [redacted]

Cc: [redacted] (CJIS) (FBI)" [redacted]

Subject: RE: Tattoo Project

Mei.

As far as how you would prefer to receive the tattoo images [redacted]

[redacted]

[redacted] What would you guys prefer?

[redacted]

b6 -2 per FBI
b7C -2 per FBI
b7E -1 per FBI

[Redacted]

b6 -1, 2 per FBI
b7C -1, 2 per FBI

From: Ngan, Mei Lee [mailto:meilee.ngan@nist.gov]

Sent: Wednesday, November 04, 2015 9:43 AM

To: [Redacted] (CJIS) (FBI) [Redacted]

Cc: [Redacted] (CJIS) (FBI) [Redacted]

Subject: Re: Tattoo Project

Hi [Redacted]

Thanks for your response on this. Please see my comments inline below.

From: [Redacted] (CJIS) (FBI)" [Redacted]

b6 -1, 2 per FBI
b7C -1, 2 per FBI

Date: Wednesday, November 4, 2015 at 9:16 AM

To: [Redacted]

Cc: M Ngan <meilee.ngan@nist.gov>, [Redacted] (CJIS) (FBI)" [Redacted]

Subject: RE: Tattoo Project

Hey buddy, that's great. Thanks for helping out.

I'm gonna let Mei answer your questions, she is out NIST POC. As for the Non-Disclosure Agreement, that would be with [Redacted] and NIST. You know you can shout me anytime with questions.

Mei, please reach out to [Redacted] with answers to his questions below. Thanks

From: [Redacted]

b6 -1, 2 per FBI
b7C -1, 2 per FBI
b7E -1 per FBI

Sent: Wednesday, November 04, 2015 9:09 AM

To: [Redacted] (CJIS) (FBI) [Redacted]

Subject: Tattoo Project

Hey [Redacted] how are you sir?

I just heard from my CoC regarding the tattoo image request. They gave me the OK to move forward with this process.

>> Fabulous!

Couple questions.

How many tattoo images are you looking to accept from us?

>> We are interested in whatever tattoos you have available How many images do you currently have in your repository?

b7E -1 per FBI

What format would you request the images in?

>> would be ideal if it's available. If not, then would be fine.

b7E -1 per FBI

How would you recommend we send you guys the images?

>> would probably work best for large amounts of images. We can send you this isn't a problem.

b5 -1
b7E -1

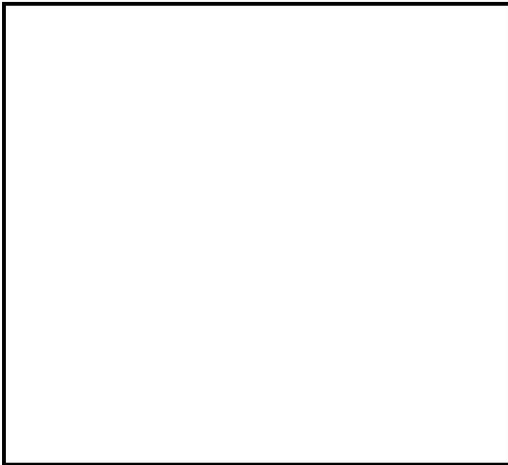


b5 -1
b7E -1

I'm sure there is more to come. Any other questions you have for me, just let me know.



b6 -2 per FBI
b7C -2 per FBI
b7E -1 per FBI



[Redacted]

From: [Redacted] (CJIS) (FBI) [Redacted]
Sent: Monday, October 05, 2015 4:46 PM
To: [Redacted] (CJIS) (FBI); Ngan, Mei Lee
Subject: RE: [Redacted]

b6 -1, 2 per FBI
b7C -1, 2 per FBI
b7E -1 per FBI

I'll check in with them tomorrow morning.

----- Original message -----

From: [Redacted] (CJIS) (FBI) [Redacted]
Date: 10/05/2015 4:31 PM (GMT-05:00)
To: "Ngan, Mei Lee" <meilee.ngan@nist.gov>
Cc: [Redacted] (CJIS) (FBI)" [Redacted]
Subject: RE: [Redacted]

b6 -1 per FBI
b7C -1 per FBI
b7E -1 per FBI

No, haven't heard anything.

From: Ngan, Mei Lee [meilee.ngan@nist.gov]
Sent: Monday, October 05, 2015 4:29 PM
To: [Redacted] (CJIS) (FBI)
Cc: [Redacted] (CJIS) (FBI)
Subject: Re: [Redacted]

Hello [Redacted]
Just checking in have you heard anything from [Redacted]

Thanks!
Mei

From: [Redacted] (CJIS) (FBI)" [Redacted]
Date: Monday, September 14, 2015 at 10:05 AM
To: M Ngan <meilee.ngan@nist.gov>
Cc: [Redacted] (CJIS) (FBI)" [Redacted]
Subject: RE: [Redacted]

b6 -1 per FBI
b7C -1 per FBI
b7E -1 per FBI

Mei,
[Redacted] and I are good with the letter.

Thanks,
[Redacted]

From: Ngan, Mei Lee [meilee.ngan@nist.gov]
Sent: Monday, September 14, 2015 9:26 AM
To: [Redacted] (CJIS) (FBI)

Cc: [redacted] (CJIS) (FBI)
Subject: Re: [redacted]

b6 -1 per FBI
b7C -1 per FBI
b7E -1 per FBI

Hi [redacted]
Please find the new letter to [redacted] requesting tattoo images only. The letter gets printed on official NIST letterhead prior to mailing.

Please send me your comments.

Thanks,
Mei

From: [redacted] (CJIS) (FBI)" [redacted]
Date: Thursday, September 3, 2015 at 2:52 PM
To: M Ngan <meilee.ngan@nist.gov>
Cc: [redacted] (CJIS) (FBI)" [redacted]
Subject: [redacted]

b6 -1 per FBI
b7C -1 per FBI
b7E -1 per FBI

Hi Mei,

[redacted] got a communication from [redacted] His contact said their Chain of Command were under the impression that only tattoo data was going to be requested and [redacted]
[redacted] I think they balked at this a bit. They are asking for another letter to be sent to their agency giving additional detailed information about what NIST plans to do with their tattoo images. He apologized but said the chain of command process is stronger than it was in years past.

Thanks,

[redacted]

[Redacted]

From: [Redacted] (CJIS) (FBI) [Redacted]
Sent: Thursday, September 03, 2015 3:13 PM
To: Ngan, Mei Lee; [Redacted] (CJIS) (FBI)
Subject: RE: [Redacted]

b6 -1, 2 per FBI
b7C -1, 2 per FBI
b7E -1 per FBI

I also want to review the letter prior to it being sent please. Thanks

----- Original message -----

From: [Redacted] (CJIS) (FBI)" [Redacted]
Date: 09/03/2015 3:09 PM (GMT-05:00)
To: "Ngan, Mei Lee" <meilee.ngan@nist.gov>, [Redacted] (CJIS) (FBI)" [Redacted]
Subject: RE: [Redacted]

b6 -1 per FBI
b7C -1 per FBI
b7E -1 per FBI

Yes, a new letter for SMTS images only and the explanation of how NIST will use them. This will be the same for any of the agencies that I negotiate with for images.

----- Original message -----

From: "Ngan, Mei Lee" <meilee.ngan@nist.gov>
Date: 09/03/2015 2:56 PM (GMT-05:00)
To: [Redacted] (CJIS) (FBI)" [Redacted]
Cc: [Redacted] (CJIS) (FBI)" [Redacted]
Subject: Re: [Redacted]

b6 -1 per FBI
b7C -1 per FBI
b7E -1 per FBI

Hi [Redacted]

We figured we could kill two birds with one stone by requesting [Redacted] but didn't realize the backlash that would cause. That was bad communication on my part. Did it sound like [Redacted] were out of the question, and the letter to them should only reference what we would do with the tattoo images?

Thanks,
Mei

From: [Redacted] (CJIS) (FBI)" [Redacted]
Date: Thursday, September 3, 2015 at 2:52 PM
To: M Ngan <meilee.ngan@nist.gov>
Cc: [Redacted] (CJIS) (FBI)" [Redacted]
Subject: [Redacted]

b6 -1 per FBI
b7C -1 per FBI
b7E -1 per FBI

Hi Mei,

[redacted] got a communication from [redacted] His contact said their Chain of Command were under the impression that only tattoo data was going to be requested and [redacted] I think they balked at this a bit. They are asking for another letter to be sent to their agency giving additional detailed information about what NIST plans to do with their tattoo images. He apologized but said the chain of command process is stronger than it was in years past.

b6 -1 per FBI
b7C -1 per FBI
b7E -1 per FBI

Thanks,

[redacted]

[Redacted]

From: M Ngan <mngan@nist.gov>
Sent: Tuesday, August 12, 2014 2:10 PM
To: [Redacted]
Cc: [Redacted]
Subject: Re: tattoos for sketching

b6 -1, 2 per FBI
b7C -1, 2 per FBI

Yup, I can manually crop them out after you send them to me. No problemo.
Thanks [Redacted] for doing this!

On 8/12/14, 2:07 PM, [Redacted] wrote:

>After he draws the image, I want to put the name we want the file to be
>named on the paper. Can you easily crop that out after we send you the
>digital images? It's just easier to have him draw and then scan them
>after they all our done.

>
>Thanks,

[Redacted]

>
>-----
>From: Ngan, Mei Lee [meilee.ngan@nist.gov]

>Sent: Tuesday, August 12, 2014 11:23 AM

>To: [Redacted]

>Subject: tattoos for sketching

>

>Hi [Redacted]

>Attached is a list of simple tattoos for sketching out - please forward
>to [Redacted] and see instructions below.

>

>Instructions:

>Look at the tattoo image for up to a minute. When ready, close the
>image and draw/sketch a picture of what you just saw WITHOUT looking at
>the image again.

>

>Thanks for your help on this!

>Mei

b6 -1 per FBI
b7C -1 per FBI

[Redacted]

From: [Redacted]
Sent: Tuesday, August 12, 2014 2:07 PM
To: Ngan, Mei Lee
Cc: [Redacted]
Subject: RE: tattoos for sketching

b6 -1, 2 per FBI
b7C -1, 2 per FBI

After he draws the image, I want to put the name we want the file to be named on the paper. Can you easily crop that out after we send you the digital images? It's just easier to have him draw and then scan them after they all our done.

Thanks,

[Redacted]

From: Ngan, Mei Lee [meilee.ngan@nist.gov]
Sent: Tuesday, August 12, 2014 11:23 AM
To: [Redacted]
Subject: tattoos for sketching

b6 -1 per FBI
b7C -1 per FBI

Hi [Redacted]

Attached is a list of simple tattoos for sketching out - please forward to [Redacted] and see instructions below.

Instructions:

Look at the tattoo image for up to a minute. When ready, close the image and draw/sketch a picture of what you just saw WITHOUT looking at the image again.

Thanks for your help on this!

Mei

[redacted]

From: [redacted]
Sent: Friday, July 26, 2013 2:16 PM
To: Grother, Patrick J.
Cc: Ngan, Mei Lee
Subject: RE: Tattoo dataset

b5 -1, 2 per FBI
b6 -1 per FBI
b7C -1 per FBI

Thanks Patrick! I'll discuss this with the NIST COR [redacted] and my Supervisor [redacted]
[redacted]

From: Grother, Patrick J. [patrick.grother@nist.gov]
Sent: Thursday, July 25, 2013 10:01 AM
To: [redacted]
Cc: Ngan, Mei Lee
Subject: RE: Tattoo dataset

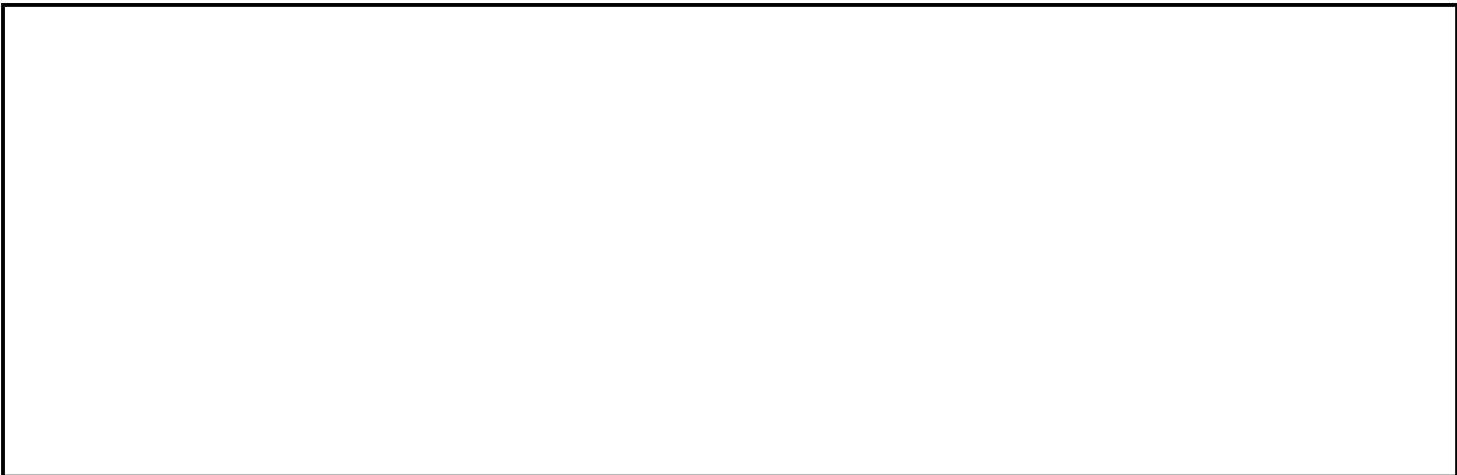
b6 -1 per FBI
b7C -1 per FBI

Hi [redacted]

As promised, we had a meeting with Mike Garris regarding the proposed tattoo activities, and here's what came out of it.

[Large redacted area]

b5 -1 per FBI
b7E -1 per FBI



Please let us know your thoughts and how we can help.

Best,
Patrick

From: Grother, Patrick J.
Sent: Monday, July 15, 2013 3:09 PM
To: [redacted]
Cc: Ngan, Mei Lee
Subject: RE: Tattoo dataset

b5 -1 per FBI
b6 -1 per FBI
b7C -1 per FBI

Hi [redacted]

Thanks for this email and the last two. I guess we have the critical legal bits now to push this through our lawyers now. That'll take time, we should use that to [redacted]

We'll talk to management (Mike Garris) to refine the details of that proposal, and get back to you next week.

Thanks,
Patrick

From: [redacted]
Sent: Monday, July 15, 2013 2:49 PM
To: Grother, Patrick J.
Cc: Ngan, Mei Lee
Subject: Tattoo dataset

b6 -1 per FBI
b7C -1 per FBI

Hi Patrick,

I haven't heard back from you since my last e-mail on June 28th. Is there anything else you need from me on my end for the paperwork to proceed at NIST for the transfer of the tattoo dataset? Please let me know so we can do what is necessary to get the transition to NIST and begin to develop a plan for a future Challenge Evaluation.

Thanks,
[redacted]

[Redacted]

FBI/SCOE

[Redacted]

b6 -1 per FBI
b7C -1 per FBI

Subject: Re: Tatt-C

Date: Monday, March 28, 2016 at 1:39:01 PM Eastern Daylight Time

From: Ngan, Mei Lee (Fed)

To: Andrews, Anne M. (Fed), Grother, Patrick J. (Fed), Watson, Craig I. (Fed)

b7E -1 per FBI

Hi Anne,



Thanks!
Mei

From: "Andrews, Anne M. (Fed)" <anne.andrews@nist.gov>

Date: Monday, March 28, 2016 at 1:35 PM

To: M Ngan <meilee.ngan@nist.gov>, "Grother, Patrick J. (Fed)" <patrick.grother@nist.gov>, "Watson, Craig I. (Fed)" <craig.watson@nist.gov>

Subject: Re: Tatt-C

Hi Mei,

A clarification question...was the dataset for your research the same as the one that the FBI BCOE provided for the challenge?

Thanks,
Anne

Anne Andrews, PhD
Director, Human Subjects Protection Office
National Institute of Standards and Technology
Anne.andrews@nist.gov

Submissions to HSPO should be submitted to: hspo@nist.gov

NIST intranet: <https://inet.nist.gov/hspo>

Office: 301-975-5445

From: "Ngan, Mei Lee (Fed)" <meilee.ngan@nist.gov>

Date: Monday, March 28, 2016 at 10:05 AM

To: "Andrews, Anne M." <anne.andrews@nist.gov>, "Grother, Patrick J. (Fed)" <patrick.grother@nist.gov>, "Watson, Craig I. (Fed)" <craig.watson@nist.gov>

Subject: Re: Tatt-C

Hi Anne,

Per our phone conversation this morning, attached is the Human Subjects Determination for the FBI tattoo data. It was determined to be research not involving human subjects.

Also, as we had discussed, the face images in the Tatt-C report came from the Multiple Encounter Dataset 2 (MEDS-II), which is a NIST public face database of deceased individuals - <http://www.nist.gov/itl/iad/ig/sd32.cfm>.

Please let me know if you have any other questions.

Thanks!
Mei

From: "Andrews, Anne M. (Fed)" <anne.andrews@nist.gov>
Date: Friday, March 25, 2016 at 11:34 AM
To: "Grother, Patrick J. (Fed)" <patrick.grother@nist.gov>, M Ngan <meilee.ngan@nist.gov>, "Watson, Craig I. (Fed)" <craig.watson@nist.gov>
Subject: Re: Tatt-C

Thanks Patrick

Have a good weekend.

Anne Andrews, PhD
Director, Human Subjects Protection Office
National Institute of Standards and Technology
O: 301-975-5445
Anne.andrews@nist.gov

Sent from my iPhone - please pardon my grammatical and spelling errors - and the crazy autocorrect errors.

On: 25 March 2016 11:10, "Grother, Patrick J. (Fed)" <patrick.grother@nist.gov> wrote:
Anne,
Mei is out on AL today. She's the primary. She'll contact you next week.
Best,
Patrick

From: "Andrews, Anne M. (Fed)" <anne.andrews@nist.gov>
Date: Friday, March 25, 2016 at 11:07 AM
To: Mei Ngan <meilee.ngan@nist.gov>, Patrick Grother <patrick.grother@nist.gov>, Craig Watson <craig.watson@nist.gov>
Subject: Tatt-C

Good morning,

I got a FOIA request related to your TATT-C project from last March. Would you let me know when you're free for a call about it?

Thanks,

Anne

Director, Human Subjects Protection Office
National Institute of Standards and Technology

Anne.andrews@nist.gov

Submissions to HSPO should be submitted to: hspo@nist.gov

NIST intranet: <https://inet.nist.gov/hspo>

Office: 301-975-5445

Subject: Re: Question about Tatt-C

Date: Friday, March 25, 2016 at 10:59:21 AM Eastern Daylight Time

From: Dave Maass

To: Andrews, Anne M. (Fed)

Hi Anne,

Thank you. I really appreciate it.

Dave

On 3/25/16 7:54 AM, Andrews, Anne M. (Fed) wrote:

Hi Dave,

Thanks for sending your request in email. I will look into this and get back to you as soon as I can.

Thank you,
Anne

Anne Andrews, PhD
Director, Human Subjects Protection Office
National Institute of Standards and Technology
Anne.andrews@nist.gov

Submissions to HSPO should be submitted to: hspo@nist.gov
NIST intranet: <https://inet.nist.gov/hspo>
Office: 301-975-5445

On 3/25/16, 10:28 AM, "Dave Maass" <dm@eff.org> wrote:

Ms. Andrews,

Thank you for speaking briefly over the phone with me. As I explained, I am seeking more information about whether a particular NIST project when through a process for protection of human subjects, such as IRB review.

The NIST program is called Tatt-C, or the Tattoo Recognition Technology Challenge

<http://www.nist.gov/itl/iad/ig/tatt-c.cfm>

Tatt-C provided 19 private companies and research institutions with a dataset of tattoo images for experimenting with tattoo recognition algorithms. Based on what I've seen so far, I believe that many, if not most, of the images are from prisoners. Based on my reading of the Common Rule and NIST's own guidelines, prisoners are a protected class and generally trigger IRB review without exception.

What I'd like to know is if Tatt-C did go through that process, and, if so, what kind of records of that review I may be able to examine.

I've been trying to gain information on this for quite sometime, so whatever you can do to help I would very much appreciate it.

I can be reached at 415-436-9333 x151 and dm@eff.org.

--

Dave Maass
Investigative Researcher
Electronic Frontier Foundation
415-436-9333 x 151
dm@eff.org

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Dave Maass
Investigative Researcher
Electronic Frontier Foundation
415-436-9333 x 151
dm@eff.org

From: Allen, Thelma A.
To: Schilling, Linda Beth
Subject: FW: Human Subjects Determination Package ITL-0002
Date: Tuesday, April 07, 2015 1:50:23 PM

Jason's email.

From: Boehm, Jason
Sent: Tuesday, April 07, 2015 8:45 AM
To: Allen, Thelma A.
Subject: RE: Human Subjects Determination Package ITL-0002

I'm fine with that. Thanks

From: Allen, Thelma A.
Sent: Tuesday, April 07, 2015 8:15 AM
To: Boehm, Jason; Shaw, Stephanie L.
Subject: Human Subjects Determination Package ITL-0002

Jason,

Thanks for signing the package for human subjects determination # ITL-0002, "Tattoo Recognition Technology Research and Evaluations with Federal Bureau of Investigation (FBI) Operationally Collected Tattoo Data".

I noticed that you did not date the actual package but did date the file copy and the cover page for April 3, 2015. I would like to date the original concurrence memo with April 3, 2015, for the final copy of approval, but for the official record just making sure that you are aware of my change and that you are ok with that?

Also, the package was delivered without an official stamped date on it from Chuck Romine's office. Chuck approved the memo on (signature dated on March 24, 2015), and I will ask his secretary to date stamp the memo with the same date.

I will forward you a scanned copy of the package for your records.

Thanks, Thelma

FORM CD-16 (12-6-73) PRESCR. BY DAO 214-2		U.S. DEPARTMENT OF COMMERCE		DATE
TRANSMIT/ROUTE		NAME	BUILDING, ROOM OR REFERENCE NO.	TAKE ACTION BELOW
		Jim St. Pierre		2
		Charles Romine		1
		Jason Beckman		1
		Thelma Allen	225/A264	12
ACTION ITEMS				
1. APPROVAL/SIGNATURE		9. YOUR INFORMATION		
2. CLEARANCE/INITIALS		10. PER OUR CONVERSATION		
3. RECOMMENDATION OR COMMENT		11. AS REQUESTED		
4. RETURN WITH MORE DETAILS		12. NECESSARY ACTION		
5. INVESTIGATE AND REPORT		13. CIRCULATE AMONG STAFF		
6. NOTE AND SEE ME		14. ANSWER DIRECTLY		
7. NOTE AND RETURN		15. PREPARE REPLY FOR SIGNATURE		
8. NOTE AND FILE		OF: _____		
COMMENTS				
<input type="checkbox"/> Continued on reverse				
FROM (Name)		BUILDING, ROOM OR REF. NO.	CODE AND EXTENSION	
Thelma Allen		225 A264	2717	

*U.S. Government Printing Office: 1980-665-115/1024 Region No. 6

UNITED STATES DEPARTMENT OF COMMERCE
National Institute of Standards and Technology

MAR 24 2015

MEMORANDUM FOR Jason Boehm
Human Subjects Protection Review Group
Program Coordination Office

From: Charles H. Romine, Director
Information Technology Laboratory (ITL)

Subject: Determination for ITL Project # ITL-0002, entitled, "Tattoo Recognition Technology Research and Evaluations with Federal Bureau of Investigation (FBI) Operationally Collected Tattoo Data," for Mei Ngan

I have reviewed the attached documents and completed the review as noted below.

Summary of Proposed Work or Project

NIST has been conducting evaluations of biometric and related algorithms and technology standardization for many years as part of its measurement science and standards mission including mandates from the USA PATRIOT Act and Enhanced Border Security and VISA Entry Reform Act. Samples are essential for conducting research in algorithmic performance of tattoo recognition technology using operationally realistic tattoo data. NIST research activities for this project are limited to algorithm research and technology evaluation and standardization and do not include any NIST conducted or supported collection of tattoo images from human subjects (Attachment 1).

NIST is not funding or directly collecting any tattoo images from subjects. FBI collected tattoo images of encountered subjects for non-research purposes under the authority of carrying out their agency mission. The FBI will provide [redacted]

[redacted] to NIST under Government Furnished Information (GFI) Agreement (Attachment 2) for the evaluation of tattoo recognition technologies as described in the associated attachments. NIST will never receive the key linking each subject's personally identifiable information to this tattoo data. [redacted]

b7E -1, 3 per FBI

28 USC 534 authorizes the FBI to collect and preserve criminal identification and other records, to include the images of tattoos collected in conjunction with these functions.

Sharing of information in the FBI's system of records with other federal agencies is a routine use for the records allowed under The Privacy act of 1074 5 USC 552a(b)(3). NIST does not and will not distribute the dataset. All participants get access to the dataset from the FBI.

official file

ITL-0002 - Ngan, Mei				WRITER: M. Ngan / T. Allen			
SURNAME	DATE	SURNAME	DATE	SURNAME	DATE	SURNAME	DATE
Ngan	1/26/14	Orandi	3/23/14	Guttman	2/23/15	Romine	2/23/15

(Sharon Lastowski acting for SO)

Determination 1: Whether Proposed Work is Research:

Research means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge. (Department of Commerce Regulations (15 CFR § 27.102 (d))

- 1a. Yes No **Is the activity an investigation?**
(Investigation: A searching inquiry for facts; detailed or careful examination.)

- 1b. Yes No **Is the investigation systematic?**
(Systematic: Having or involving a system, method, or plan.)

- 1c. Yes No **Is the investigation designed to develop or contribute to generalizable knowledge?**
(Designed: observable behaviors, specimens, or data, used to develop or contribute to knowledge.
Develop: to form the basis for a future contribution.
Contribute: to result in.
Knowledge: truths, facts, information.
Generalizable: Universally or widely applicable.)

Justification for above selections:

Overall, the project research activities involve measurement science and standards development research through algorithm evaluations. The performance and accuracy of the tattoo recognition technology will be measured by comparing the technology's recognition decisions to the reference annotations included as part of the FBI tattoo data. The outcomes from the research are expected to be generalizable to the further development of the algorithms, evaluation methods and standardization recommendations.

If ANY items 1a, 1b or 1c, are checked "No," the activity does not meet this definition of research.

Go to the Determination Section on the last page.

If ALL items 1a, 1b and 1c are checked "Yes," the activity meets the DOC definition of research. Complete the next section, "**Determination 2: Whether Research Involves Human Subjects.**"

Determination 2: Whether Proposed Research Involves Human Subjects:

Human subject means a *living individual* about whom an investigator (whether professional or student) conducting research obtains (1) Data through *intervention or interaction* with the individual, or (2) *Identifiable private* information. (DOC regulations (15 CFR § 27.102(f))

- 2a. Yes No **Will the investigator obtain data about living individuals through intervention OR interaction?**
Intervention: Physical procedures or manipulations of those individuals or their environment.
Interaction: Communication or interpersonal contact with the individuals.

If "Yes," STOP; the activity is research involving human subjects. Submit a research protocol for review to IRB/HSPO. Proceed to determination section below.
If "No," continue to question 2b.

2b. Yes No **Will the investigator obtain data / information about individuals that are individually identifiable?**

Identifiable: The subject's identity is or may be readily ascertained by the investigator, or will be associated with the information* **OR** the research involves the use of coded* data/specimens.

* Coded means a living individual's identifiable information (such as a name or social security number) that allows the investigator to readily ascertain the identity of the individual has been replaced by a code, such as a (number, letter, or combination) and there is a key to decipher the code that links identifying information to the private information or specimens.

Coded specimens and data are considered identifiable under the Common Rule and OHRP "Guidance on Research Involving Coded Private Information or Biological Specimens," October 16, 2008. NIST follows this OHRP Guidance.

2c. Yes No **Will the investigator obtain data about living individuals that is private?**

The data includes that obtained by the investigator is private and information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a medical record). *Private information* must be individually identifiable to constitute research with human subjects.

2d. Yes No **Is a code with a key used somewhere to link private identifiable information or specimens to individuals? (See 2b)**

2e. Yes No **Were the coded specimens/data previously collected for other purposes and NOT for this research?**

2f. Yes No **Will the investigator have access to the code key?**

If 2f is "No" mark all that apply below.

2f(1) Yes No The provider of the data/specimens will remove the code before sending the data/specimens to the researcher.

2f(2) Yes No The holder of the key and investigator enter into an agreement prohibiting the release of the key to the investigator under any circumstances, until the individuals who are linked to the specimens or data are deceased.

See Attachment 4

2f(3) Yes No The investigator has documentation of written policies and operating procedures from a repository or data management center that prohibits the release of the key to the investigators under any circumstances, until the individuals who are linked to the specimens or data are deceased. **Attach documentation of the written policies and operating procedures.**

2f(4) Yes No There are other legal requirements prohibiting the release of the key to the investigators, until the individuals who are linked to the specimens or data are deceased. **Attach documentation of the legal requirements.**

Determination Assessment:

- The research does not involve human subjects if the answers to 2d and 2e are both "YES;" the answer to 2f is "NO;" and any of the items in 2f(1) through 2f(4) are "YES."
- The research involves human subjects if there any other combinations of answers to 2d, 2e, and 2f. Start building a research protocol for submission to the NIST IRB via the HSRRG

OU Review Determination for Proposed Work:

I have reviewed the documents listed below, completed the analysis above, and determined that:

- [] The proposed work is not research
- [X] The proposed research does not involve human subjects
- [] The proposed research involves human subjects and requires further review.

Summary of Justification for Determination

As presented in the referenced attached documents, the identity of a human subjects cannot be readily ascertained by the NIST researchers. Therefore the NIST research described above and within the attachments listed below, is not research that involves human subjects for the purposes of the Common Rule for the Protection of Human Subjects.

This determination is being submitted after research was started on this project. Researchers were not aware that a review of the data being used required a human subject's determination. After receiving a manuscript submitted for review of the work, management determined that a

review was necessary. Based on increased awareness concerning research involving human subjects, the issue was caught in time. Training is forthcoming to all OU personnel.

Based on a review of the manuscript there is a reasonable degree of confidence that the determination of research not involving human subjects would have been made if the review and determination had been done in the proper required sequence. Although this determination review was not done initially, this review is a course-correction.

It is recommended this project be approved as described in the referenced attachments.

/s/

March 24, 2015

Name: Charles H. Romine

Date:

Title: Director, Information Technology Laboratory

Human Subject Review Group (HSRG) Determination

Concur Do not concur

Comments/Additional or Special Conditions:

/s/

April 3, 2015

Name: Jason Boehm

Date:

Title: Chair, Human Subjects Working Group
Program Coordination Office

Attachments:

(1) ITL-0002 NIST Human Subjects Research Determination Form March 18, 2015 with the following Attachments:

(1) Project Schematic of Tattoo Data Usage (undated)

(2) Government Furnished Information Agreement dated February 24, 2014 and signed April 3, 2014

(3) [redacted] Assistant General Counsel Federal Bureau of Investigation email dated June 24 2013 citing FBI BCOE Authorities

b6 -1 per FBI
b7C -1 per FBI

(4) [redacted] FBI/BCOE email dated March 18 2015 noting no codes shared with NIST



MAR 24 2015

MEMORANDUM FOR Jason Boehm
Human Subjects Protection Review Group
Program Coordination Office

From: Charles H. Romine, Director *Charles H. Romine*
Information Technology Laboratory (ITL)

Subject: Determination for ITL Project # ITL-0002, entitled, "*Tattoo Recognition Technology Research and Evaluations with Federal Bureau of Investigation (FBI) Operationally Collected Tattoo Data*," for Mei Ngan

I have reviewed the attached documents and completed the review as noted below.

Summary of Proposed Work or Project

NIST has been conducting evaluations of biometric and related algorithms and technology standardization for many years as part of its measurement science and standards mission including mandates from the USA PATRIOT Act and Enhanced Border Security and VISA Entry Reform Act. Samples are essential for conducting research in algorithmic performance of tattoo recognition technology using operationally realistic tattoo data. NIST research activities for this project are limited to algorithm research and technology evaluation and standardization and do not include any NIST conducted or supported collection of tattoo images from human subjects (**Attachment 1**).

b7E -1, 3 per FBI

NIST is not funding or directly collecting any tattoo images from subjects. FBI collected tattoo images of encountered subjects for non-research purposes under the authority to carrying out their agency mission. The FBI will provide [redacted] to NIST under Government Furnished Information (GFI) Agreement (**Attachment 2**) for the evaluation of tattoo recognition technologies as described in the associated attachments. NIST will never receive the key linking each subject's personally identifiable information to this tattoo data. [redacted]

28 USC 534 authorizes the FBI to collect and preserve criminal identification and other records, to include the images of tattoos collected in conjunction with these functions.

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- 1a. Yes No **Is the activity an investigation?**
(Investigation: A searching inquiry for facts; detailed or careful examination.)
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(Systematic: Having or involving a system, method, or plan.)
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(Designed: observable behaviors, specimens, or data, used to develop or contribute to knowledge.
Develop: to form the basis for a future contribution.
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Justification for above selections:

Overall, the project research activities involve measurement science and standards development research through algorithm evaluations. The performance and accuracy of the tattoo recognition technology will be measured by comparing the technology's recognition decisions to the reference annotations included as part of the FBI tattoo data. The outcomes from the research are expected to be generalizable to the further development of the algorithms, evaluation methods and standardization recommendations.

If ANY items 1a, 1b or 1c, are checked "No," the activity does not meet this definition of research.

Go to the Determination Section on the last page.

If ALL items 1a, 1b and 1c are checked "Yes," the activity meets the DOC definition of research. Complete the next section, "**Determination 2: Whether Research Involves Human Subjects.**"

Determination 2: Whether Proposed Research Involves Human Subjects:

Human subject means a *living individual* about whom an investigator (whether professional or student) conducting research obtains (1) Data through *intervention or interaction* with the individual, or (2) *Identifiable private* information. (DOC regulations (15 CFR § 27.102(f)))

- 2a. Yes No **Will the investigator obtain data about living individuals through intervention OR interaction?**
Intervention: Physical procedures or manipulations of those individuals or their environment.
Interaction: Communication or interpersonal contact with the individuals.

If "Yes," STOP; the activity is research involving human subjects. Submit a research protocol for review to IRB/HSPO. Proceed to determination section below.
If "No," continue to question 2b.

2b. Yes No **Will the investigator obtain data / information about individuals that are individually identifiable?**

Identifiable: The subject's identity is or may be readily ascertained by the investigator, or will be associated with the information* **OR** the research involves the use of coded* data/specimens.

* Coded means a living individual's identifiable information (such as a name or social security number) that allows the investigator to readily ascertain the identity of the individual has been replaced by a code, such as a (number, letter, or combination) and there is a key to decipher the code that links identifying information to the private information or specimens.

Coded specimens and data are considered identifiable under the Common Rule and OHRP "Guidance on Research Involving Coded Private Information or Biological Specimens," October 16, 2008. NIST follows this OHRP Guidance.

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The data includes that obtained by the investigator is private and information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a medical record). *Private information* must be individually identifiable to constitute research with human subjects.

2d. Yes No **Is a code with a key used somewhere to link private identifiable information or specimens to individuals? (See 2b)**

2e. Yes No **Were the coded specimens/data previously collected for other purposes and NOT for this research?**

2f. Yes No **Will the investigator have access to the code key?**

If 2f is "No" mark all that apply below.

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See Attachment 4

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2f(4) Yes No There are other legal requirements prohibiting the release of the key to the investigators, until the individuals who are linked to the specimens or data are deceased.

Attach documentation of the legal requirements.

Determination Assessment:

- The research does not involve human subjects if the answers to 2d and 2e are both "YES;" the answer to 2f is "NO;" and any of the items in 2f(1) through 2f(4) are "YES."
- The research involves human subjects if there any other combinations of answers to 2d, 2e, and 2f. Start building a research protocol for submission to the NIST IRB via the HSRRG

OU Review Determination for Proposed Work:

I have reviewed the documents listed below, completed the analysis above, and determined that:

- [] The proposed work is not research
- [X] The proposed research does not involve human subjects
- [] The proposed research involves human subjects and requires further review.

Summary of Justification for Determination

As presented in the referenced attached documents, the identity of a human subjects cannot be readily ascertained by the NIST researchers. Therefore the NIST research described above and within the attachments listed below, is not research that involves human subjects for the purposes of the Common Rule for the Protection of Human Subjects.

This determination is being submitted after research was started on this project. Researchers were not aware that a review of the data being used required a human subject's determination. After receiving a manuscript submitted for review of the work, management determined that a

review was necessary. Based on increased awareness concerning research involving human subjects, the issue was caught in time. Training is forthcoming to all OU personnel.

Based on a review of the manuscript there is a reasonable degree of confidence that the determination of research not involving human subjects would have been made if the review and determination had been done in the proper required sequence. Although this determination review was not done initially, this review is a course-correction.

It is recommended this project be approved as described in the referenced attachments.

Charles H. Romine 24 Mar 2015

Name: Charles H. Romine Date:
Title: Director, Information Technology Laboratory

Human Subject Review Group (HSRG) Determination

Concur [] Do not concur

Comments/Additional or Special Conditions:

Jason Boehm *04-03-15*

Name: Jason Boehm Date:
Title: Chair, Human Subjects Working Group
Program Coordination Office

Attachments:

(1) ITL-0002 NIST Human Subjects Research Determination Form March 18, 2015 with the following Attachments:

- (1) Project Schematic of Tattoo Data Usage (undated)
- (2) Government Furnished Information Agreement dated February 24, 2014 and signed April 3, 2014
- (3) [redacted] Assistant General Counsel Federal Bureau of Investigation email dated June 24 2013 citing FBI BCOE Authorities
- (4) [redacted] FBI/BCOE email dated March 18 2015 noting no codes shared with NIST

b6 -1 per FBI
b7C -1 per FBI

Boehm, Jason

From: Fasolka, Michael J.
Sent: Thursday, April 02, 2015 5:18 PM
To: Boehm, Jason
Subject: Human Subjects Determination for ITL Project ITL-0002 entitled, "Tattoo Recognition Technology Research and Evaluations with Federal Bureau of Investigation (FBI) Operationally Collected Tattoo Data"

Jason,

I reviewed the proposed human subjects determination you performed for the ITL project number ITL-0002, through which ITL is assessing the performance of image processing routines tattoo identification. I agree with your analysis of the work: as the tattoo image data was collected for another purpose, and because it is encoded using a key ITL cannot have access to, the work is research that does not involve human subjects and does not require IRB review.

Best Regards,
Mike Fasolka

Michael J. Fasolka
Deputy Director
Material Measurement Laboratory
National Institute of Standards and Technology

301 975 8301
mfasolka@nist.gov
www.nist.gov/mm

<http://inet.nist.gov/cfc>

NIST Human Subjects Research Determination Form
To Determine Whether Proposed Work Meets the Definition of
Research with Human Subjects

Instructions:

If proposed work/project involves (1) humans, (2) biological specimens from humans, or (3) data or information about humans, use this form to determine if your work meets the definition of research with human subjects. This is the first step in determining whether the regulations for protecting human subjects apply to proposed work.

Submitting this form implies that you obtained endorsement by your management to pursue this determination for the proposed work/project.

1. NIST Project Lead (the Investigator accountable for the project)

Name	Mei Ngan
Title	Computer Scientist
Building/Office	225/A210
Division/Group	Information Access Division/Image Group

2. Type of Work:

NIST work

Contract/Grant to non-NIST party

3. Title of Proposed Work: *Tattoo Recognition Technology Research and Evaluations with Federal Bureau of Investigation (FBI) Operationally Collected Tattoo Data*

4. Description of Proposed Work:

NIST has been conducting evaluations of biometric and related algorithms and technology standardization for many years as part of its measurement science and standards mission including mandates from the USA PATRIOT Act and Enhanced Border Security and VISA Entry Reform Act. Samples are essential for conducting research in algorithmic performance of tattoo recognition technology using operationally realistic tattoo data. NIST research activities for this project are limited to algorithm research and technology evaluation and standardization and do not include any NIST conducted or supported collection of tattoo images from human subjects (**Attachment 1**).

b7E -1, 3 per FBI

NIST is not funding or directly collecting any tattoo images from subjects. FBI collected tattoo images of encountered subjects for non-research purposes under the authority to carrying out their agency mission. The FBI will provide [redacted] to NIST under Government Furnished Information (GFI) Agreement (**Attachment 2**) for the evaluation of tattoo recognition technologies as described in the associated attachments. NIST will never receive the key linking each subject's personally identifiable information to this tattoo data. [redacted]

28 USC 534 authorizes the FBI to collect and preserve criminal identification and other records, to include the images of tattoos collected in conjunction with these functions.

Sharing of information in the FBI's system of records with other federal agencies is a routine use for the records allowed under The Privacy act of 1974 5 USC 552a(b)(3). NIST does not and will not distribute the dataset. All participants get access to the dataset from the FBI.


Tattoos have been used for many years to assist law enforcement in investigations. A tattoo is an elective biometric trait that could contain useful discriminative information to support person identification, similar to other such as age, gender and race. While some research has been done in the area of image-based tattoo detection and retrieval, it is not a mature domain. There are no common datasets to evaluate and develop operationally-relevant tattoo recognition applications. To address this shortcoming, the NIST Tattoo Recognition Technology Challenge (Tatt-C) database was developed as an initial tattoo research corpus that addresses use cases representative of operational scenarios.

The Tatt-C database represents an initial attempt to provide a set of ground-truthed tattoo images focused on, but not limited to, five primary use cases. Those use cases are: tattoo similarity, tattoo identification, region of interest, mixed media, and tattoo detection.

5. Collaborations with Others:

List other institutions or agencies involved in this work. Describe how each collaborator will be involved with humans, specimens from humans, and/or data or information about humans as well as any other specific contributions.

N/A

Signature:  _____

Typed Name: Mei Lee Ngan

Date: 3/23/2015

Attachments:

- (1) Project Schematic of Tattoo Data Usage (3/20/2015)
- (2) Government Furnished Information Agreement dated February 24, 2014 and signed April 3, 2014
- (3) Assistant General Counsel Federal Bureau of Investigation email dated June 24, 2013 citing FBI BCOE Authorities
- (4) FBI/BCOE email dated March 18, 2015, noting no codes shared with NIST

b6 -1 per FBI
b7C -1 per FBI

Attachment 1: Project Schematic

NIST uses (A) and (B) to research algorithms and develop standards (C) that are supported by the data characteristics – in this case tattoo images.

FBI BCOE Tattoo Data Usage at NIST

NIST publishes research & best practices, and contributes actionable comments to standards bodies (C). Reports may go on the NIST web site and may be published in conference papers and journals .

NIST Tattoo Recognition Technology Research

Report research results to the public

NIST
 • NIST funded research tasks

(A) Tattoo data and (B) reference annotations

- FBI BCOE collected and developed a tattoo dataset that enables research by USG agencies on new techniques and algorithms for automatic recognition of tattoos.
- FBI tattoo data is distributed to NIST under Government Furnished Information Agreement (2), and the sharing of FBI data with other federal agencies is allowed as documented by (3).
- NIST conducts biometric algorithm research and technology standardization (C) using Biometric Initiative STRS under the mandate of the USA PATRIOT Act.
- The FBI BCOE data provided to NIST:
 - Will be accessed only by NIST researchers
 - Is coded to insure that the identities of the contributing subjects cannot be readily ascertained. NIST does not have access to the key as the FBI will not release the key to NIST.

Tattoo Data From FBI BCOE

b7E -1, 3 per FBI

Attachments provided in package:
 (1) This Schematic of Tattoo Data Usage
 (2) Government Furnished Information Agreement
 (3) FBI BCOE Citation of Authorities

The (B) reference annotations include coded subject IDs. NIST will never receive information about subjects' identities. NIST uses (B) as algorithm inputs and answers.

NIST research activities are on image and algorithm technology and automated algorithm development.

Updated: 3/20/2015

From: Schilling, Linda Beth
To: Allen, Thelma A.
Subject: RE: ITL-0002 for Mei Ngan
Date: Tuesday, April 07, 2015 1:49:00 PM

Yes I have date stamped for Jason in the past too, I noticed that as well ... a clean scan with the missing info and a copy of Jason's email would be great.

I'm always happy to help if you just want to chat ... I had an interesting chat with Jason this morning.

L.

From: Allen, Thelma A.
Sent: Tuesday, April 07, 2015 1:46 PM
To: Schilling, Linda Beth
Subject: RE: ITL-0002 for Mei Ngan

Thanks!

Sorry for not emailing you this morning.

I noticed that too when I looked at it this morning (got it yesterday afternoon from Stephanie).

I sent Jason a note saying he hadn't dated the memo (by the concurrence) and that Chuck's office hadn't date stamped it, asking him if it was Ok for me to do so on this end and send fresh copies.

He said OK, I will forward you his email separately.

Trying to find time to scan it and get you and Jason clean copies of everything, hopefully before 3:00.

I had a great time in NOLA!!!!

Also, I miss you. I'm trying to get a new package together for Mary Theofanos and guidance from others is not quite as clear and complete as from you. ☹

From: Schilling, Linda Beth
Sent: Tuesday, April 07, 2015 1:43 PM
To: Allen, Thelma A.
Subject: ITL-0002 for Mei Ngan

Thelma -

I got a copy of the approved package for this one. The memo to Jason wasn't dated when Chuck or Jason signed it. Since Jason's secretary is making copies after Jason signs, you may need to either remind her to date the memo, or ITL can date it when the package starts routing, or to have it date stamped when Chuck signs it. Any of these approaches work, each OU seems to have different preferences, but the memo shouldn't be left undated.

Since I only get a copy and not the original it isn't something I can catch or

fix.

Let me know if you have date stamped your original and I'll note it on my copy. ;-)

Hope you had a lovely time in NOLA.

Thanks,

Linda Beth

From: Schilling, Linda Beth
To: Allen, Thelma A.
Subject: RE: ITL-0002 for Mei Ngan
Date: Tuesday, April 07, 2015 2:14:00 PM

Any time!

From: Allen, Thelma A.
Sent: Tuesday, April 07, 2015 2:10 PM
To: Schilling, Linda Beth
Subject: RE: ITL-0002 for Mei Ngan

Definitely. ☺

I sent a request to Mary Theofanos for a few things and once I hear back from her I would love to give you a call.

From: Schilling, Linda Beth
Sent: Tuesday, April 07, 2015 1:49 PM
To: Allen, Thelma A.
Subject: RE: ITL-0002 for Mei Ngan

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Thanks,

Linda Beth

From: Schilling, Linda Beth
To: Allen, Thelma A.
Subject: RE: ITL-0002 for Mei Ngan
Date: Tuesday, April 07, 2015 1:44:00 PM

You can send me a scan of the dated memo if you did date it when it got back to you, which also works. I've scanned everything else.

L.

From: Schilling, Linda Beth
Sent: Tuesday, April 07, 2015 1:43 PM
To: Allen, Thelma A.
Subject: ITL-0002 for Mei Ngan

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Linda Beth

From: Allen, Thelma A.
To: Schilling, Linda Beth
Subject: RE: ITL-0002 for Mei Ngan
Date: Tuesday, April 07, 2015 1:45:42 PM

Thanks!

Sorry for not emailing you this morning.

I noticed that too when I looked at it this morning (got it yesterday afternoon from Stephanie).

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To: Allen, Thelma A.
Subject: ITL-0002 for Mei Ngan
Date: Tuesday, April 07, 2015 1:42:00 PM

Thelma -

I got a copy of the approved package for this one. The memo to Jason wasn't dated when Chuck or Jason signed it. Since Jason's secretary is making copies after Jason signs, you may need to either remind her to date the memo, or ITL can date it when the package starts routing, or to have it date stamped when Chuck signs it. Any of these approaches work, each OU seems to have different preferences, but the memo shouldn't be left undated.

Since I only get a copy and not the original it isn't something I can catch or fix.

Let me know if you have date stamped your original and I'll note it on my copy. ;-)

Hope you had a lovely time in NOLA.

Thanks,

Linda Beth

From: Allen, Thelma A.
To: Schilling, Linda Beth
Subject: RE: ITL-0002 for Mei Ngan
Date: Tuesday, April 07, 2015 2:09:36 PM

Definitely. ☺

I sent a request to Mary Theofanos for a few things and once I hear back from her I would love to give you a call.

From: Schilling, Linda Beth
Sent: Tuesday, April 07, 2015 1:49 PM
To: Allen, Thelma A.
Subject: RE: ITL-0002 for Mei Ngan

Yes I have date stamped for Jason in the past too, I noticed that as well ... a clean scan with the missing info and a copy of Jason's email would be great.

I'm always happy to help if you just want to chat ... I had an interesting chat with Jason this morning.

L.

From: Allen, Thelma A.
Sent: Tuesday, April 07, 2015 1:46 PM
To: Schilling, Linda Beth
Subject: RE: ITL-0002 for Mei Ngan

Thanks!

Sorry for not emailing you this morning.

I noticed that too when I looked at it this morning (got it yesterday afternoon from Stephanie).

I sent Jason a note saying he hadn't dated the memo (by the concurrence) and that Chuck's office hadn't date stamped it, asking him if it was Ok for me to do so on this end and send fresh copies.

He said OK, I will forward you his email separately.

Trying to find time to scan it and get you and Jason clean copies of everything, hopefully before 3:00.

I had a great time in NOLA!!!!

Also, I miss you. I'm trying to get a new package together for Mary Theofanos and guidance from others is not quite as clear and complete as from you. ☹

From: Schilling, Linda Beth
Sent: Tuesday, April 07, 2015 1:43 PM
To: Allen, Thelma A.
Subject: ITL-0002 for Mei Ngan

Thelma -

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Hope you had a lovely time in NOLA.

Thanks,

Linda Beth