

STATE OF UTAH  
OFFICE OF THE ATTORNEY GENERAL



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March 26, 2021

Dear Auditor Dougall and the Commission on Protecting Privacy and Preventing Discrimination,

Thank you for accepting the request of the Utah Attorney General's Office ("UAGO") to explore the bias and privacy questions regarding the State's previously contemplated use of Live Time technology as an investigation tool, and for going even beyond that request to provide state agencies with expert guidelines for the procurement process.

We are encouraged by your findings and feel validated that neither privacy intrusion nor racial or religious bias was inherent in the Banjo Live Time system. Your findings align with our experience regarding this company, its founder, priorities, work product, and ethics. We observed, and you have confirmed, that sensitive PII was never shared with Banjo. That protection was always a high priority for this office.

We further commend the work of the Commission, specifically in producing two excellent documents regarding procurement principles and questions. We will encourage state agencies to include the applicable questions in RFPs, RFIs, and proposal scorecards when evaluating new technology.

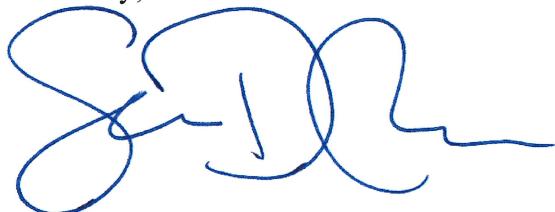
It is worth noting that some of these recommended protections were already integrated in the State's Live Time contract at Banjo's request. We appreciate the Commission's warning and insight on the possible exposure risks when combining government data with private systems.

The UAGO is convinced that if it were possible, a deeper study would reveal an even more accurate and indicative analysis of the capabilities and protections of the system in question. However, we recognize certain limitations to this review in terms of time, scope, and inaccessibility of particular witnesses and data. To wit, company leadership has changed, contracts have been suspended, and contemporaneous information was no longer available for review. Throughout the contracting and fulfillment process, it was well understood by both Banjo and the State that more privacy-safe inputs would come online before we realized the full capabilities of the Live Time system. While some preliminary dashboards were provided, Banjo was still in the system building, data-intake, programming, and test phases when the contract was suspended.

We wish to address the Commission's concern regarding the vetting of Banjo's founder and former CEO, Damien Patton. As a preliminary matter, in RFPs such as the one in which Banjo participated, there is no requirement in the state procurement process for the UAGO to investigate companies and particularly not their employees. The UAGO, however, went above and beyond what is normally done for contractors including conducting interviews with colleagues, technology experts, leaders of other companies familiar with the CEO, law enforcement officials, elected officials, etc. The subsequent negative information that came out about Mr. Patton was contained in records that were sealed and/or would not have been available in a robust criminal background check. Based on our first-hand experience and close observation, we are convinced the horrible mistakes of the founder's youth never carried over in any malevolent way to Banjo, his other initiatives, attitudes, or character.

The Attorney General's Office is committed, as always, to protect all the rights of Utah citizens. This includes civil liberties as well as freedom from predatory violence and other crimes. I will continue to use cutting-edge technology to keep Utah safe and will do so within the guidelines recommended by this Commission. Thank you for your careful attention.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Reyes', with a stylized, looping flourish extending to the right.

Sean D. Reyes  
Utah Attorney General