



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

Elected Officials & Privacy Advocates Demand MSG Entertainment End Use of Facial Recognition Technology on Fans

BRAD HOYLMAN-SIGAL January 15, 2023

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NEW YORK — Today, after Madison Square Garden (MSG) Entertainment ejected a fourth person using facial recognition, elected officials and privacy advocates rallied outside MSG to demand the company immediately stop the use of the inappropriate technology on fans.

The coalition said venues should not possess the power to weaponize facial recognition to discriminate against patrons and steal their personal information. They believe the practice,

contrary to **MSG's claims**, has nothing to do with public safety and instead is being used to chill free speech, as well as violating privacy.

Attendees included State Senator Brad Hoylman-Sigal, State Senator Liz Krueger, Senator Brian Kavanaugh, Senator Kristen Gonzalez, Assembly Member Tony Simone, Assembly Member Alex Bores, Council Member Erik Bottcher, Albert Fox Cahn - Founder and Executive Director, Surveillance Technology Oversight Project (S.T.O.P.), and the Policing and Social Justice Project.

“There is absolutely no security purpose in ejecting a young mother from chaperoning her daughter’s Girl Scout troop field trip to the Rockettes,” **State Senator Brad Hoylman-Sigal** said. “MSG Entertainment is using facial recognition systems to automate discrimination, violate individuals’ privacy, and chill any criticism of the company. It sets a dangerous precedent to permit MSG Entertainment to maintain such power, and we demand they cease the use of this highly flawed technology immediately.”

The coalition called on MSG Entertainment to create and adhere to a written policy establishing guidelines for permanently destroying biometric data when the initial purpose of collecting such data has been completed. The elected officials in attendance and Congressman Jerry Nadler penned a letter to James Dolan, CEO of MSG Entertainment, echoing this request.

They noted MSG Entertainment receives a NYS tax abatement for Madison Square Garden valued at approximately \$43 million annually, a NYC special permit (expiring this year), and numerous licenses from the New York State Liquor Authority. As a place of public accommodation, MSG Entertainment has a legal obligation to New Yorkers and the general

public to protect them against discrimination and cease harassing them.

"If Madison Square Garden can use biometric technology to ban an attorney from its premises, what recourse is there for the average New Yorker? I'm alarmed by the lack of oversight regulating the use of biometric technologies by both private and public entities in the State. As emerging technologies continue to govern our daily lives it's far overdue for the state to step-in and enshrine regulations to protect our right to privacy and against discrimination," said **Senator Kristen Gonzalez, Chair of the Senate's Internet & Technology Committee**.

Senator Liz Krueger said, "MSG's use of facial recognition technology to retaliate against employees of law firms engaged in litigation against them is deeply concerning. It is an unacceptable invasion of the privacy of all their patrons, and a blatant attempt to intimidate and bully those who might want to pursue their day in court against the company. It is absolutely time for the city and the state to reconsider any and all permits, licenses, and benefits provided to MSG in the face of their continued malfeasance."

"The use of facial recognition technology by MSG Entertainment to ban members of the public, not for safety reasons, but as perceived legal adversaries is incredibly disturbing," said **Assemblymember Tony Simone**. "Madison Square Garden operates under a special permit from New York City, with licenses from the State Liquor Authority and receives a significant State tax abatement. Any policies that bar members of the public for non-safety reasons must cease immediately."

"Who will actually go to court against the country's largest companies if they can retaliate this way?" said **Surveillance Technology Oversight Project Executive Director Albert Fox Cahn**. "If MSG can do this to attorneys suing the company, they can also target employees and

customers who sue the company for violating the law. It's terrifying to think that other companies might follow suit, and that anytime you exercise your rights in court it will mean getting banned from public life. If New Yorkers can be banned from a Rangers game, they can be banned from the grocery store or the pharmacy. These technologies are ripe for abuse, and it's long past time that the city and state ban them. Giving companies, the wealthy, and the government the ability to track nearly anyone at any time is a recipe for disaster."