

17th August Unanswered letter to McDonalds' Head of Customer Services

After more than 2 weeks, I've still received no response from McDonalds' Head of Customer Services.

Here is the unanswered letter I wrote to them.

As always I've given them a chance to respond to me directly before taking the matter public, but as in the past they are simply not responding, until I bring the matter to the public.

As I continue to work with industry to develop and manufacture [wearable computers](http://www.interaction-design.org/encyclopedia/wearable_computing.html) [http://www.interaction-design.org/encyclopedia/wearable_computing.html], it is very important that we prevent physical assaults like this from happening again, so we must at the very least learn from this experience and understand how we can grow this industry by creating a world of tolerance and fairness.

So my letter to McDonalds goes beyond a resolve of my personal experience there, and extends to all of us as we develop technologies to help people see better and live better and more independent qualities of life.

And since they have not even taken the courtesy to respond to my letter, I am now open to alternative approaches. I'm not seeking personal money from them, but if they can be compelled to repair the damage, or to support vision research in some way, or at least to not repeat such attacks in the future, that would be helpful to all of us.

From: **Steve Mann**

Date: Thu, Aug 2, 2012 at 9:57 AM

Subject: Re: From McDonald's France

To: Perochain Sebastien <Sebastien.Perochain@fr.mcd.com [mailto:Sebastien.Perochain@fr.mcd.com]

Cc: McComb Lisa <Lisa.McComb@us.mcd.com [mailto:Lisa.McComb@us.mcd.com]>, Don Taylor <don.taylor@us.mcd.com [mailto:don.taylor@us.mcd.com]>, [...]

Sebastien,

I have three points I'd like to cover in response to your 2012 July 28th email, and I am asking for a response from you on or before 2012 August 10th; I've also copied in some others who might be able to help motivate you to respond substantively:

1. Witness Statements as the Only Evidence in McDonalds Investigation:

I would like to suggest that the possibility exists that there is a potential conflict-of-interest inherent in your witness statements. An organization investigating itself is likely to have a potential conflict-of-interest that could bias your "witness statements" from your employees (e.g. the assault perpetrators themselves, who are not likely to give unbiased witness statements).

I would certainly be happy to review these "witness statements" if you'd be happy to share them.

With all the video surveillance cameras that you have in your establishment you should be able to do better than merely "witness statements" as the only evidence to stand against the solid evidence that your employees generated in my wearable computing system by damaging it and thus preventing it from overwriting its circular buffer; see <http://eyetap.blogspot.ca/> [http://eyetap.blogspot.ca/2012/07/physical-assault-by-mcdonalds-for.html] 2012/07/physical-assault-by-

2. Droit d'Image (Image Rights):

My understanding of French law regarding image rights pertains to the dissemination of pictures but not to their mere acquisition. A person with photographic memory who merely remembers something for their own use has not broken any law. If that person were to make a photorealistic painting of recognizable persons and exhibit that painting, that is the point where the law is broken.

A person with some form of assistive technology that mimics the human mind and body should not be treated any differently at law than a person, with, for example, naturally occurring biological memory. With the growing population of elderly we're going to see more and more examples of what I call "Silicon Brain" (e.g. parts of the mind and body being replaced by computers). Technologies like the EyeTap that cause the eye itself to function computationally do not and should not automatically be considered by you to be against the law (and certainly should not move you to take the law into your own hands rather than calling the Police).

Thus I feel that you are enforcing laws that don't exist, and that you are enforcing these non-existent laws in a violent and unlawful manner, through the use of physical assault, against me and against many others as I have encountered in my research. I found for example that your Paris employees physically assaulted someone last year merely for photographing the menu, and I know many people who photograph signs when that they have trouble reading signage, i.e. many people use a camera as a hand-held magnifier. See http://www.cbsnews.com/8301-505125_162-49140976/mcdonalds-messes-up-how-not-to-handle-service-mistakes/

8301-505125_162-49140976/

mcdonalds-messes-up-how-not-to-handle-service-mistakes/

Article Title: "McDonald's Messes Up: How Not to Handle Service Mistakes"

Date: August 17, 2011

Author: Christopher Elliott

I also came across an example of your employees making video recordings of customers and posting the recordings on the Internet:

Quote: "The video was shot by a McDonald's employee who can be heard laughing."

Article title: "McDonald's Beating Caught on Tape: Was it a Hate Crime?"

ABC News, 2011 April 25th.

as well as other examples of assault:

Quote: "Yesterday morning in the early hours a McDonald's employee assaulted a pair of female customers with a metal rod. One was taken to the hospital with a fractured skull and broken arm, while the other sustained only minor cuts and bruises."

Article title: "Greenwich Village McDonald's Employee Beats Two Unruly Customers With a Metal Rod"

The Village Voice, 2011 October 14th.

With these kinds of crimes in progress, perhaps customer-owned cameras could help law enforcement bring the perpetrators (whether McDonalds employees or otherwise) to justice, whereas company-owned surveillance video could end up being "lost" or "misplaced" when it shows the organization to be at fault.

Getting back to the topic of Wearable Computing, there's a distinction between mere recording devices (which can be covertly concealed), and computer vision systems that use Wearable Computing to help people live better lives.

There are plenty of hidden spy cameras that people often use in day-to-day applications ranging from investigative journalism to "mystery shoppers". See for example, <http://www.hiddencameraglasses.com/>

hiddencameraglasses.com

and

<http://www.spygearco.com> [<http://www.spygearco.com/>]

(neck tie camera, button camera, baseball cap camera, etc.).

A camera is very easy to conceal, so it certainly is not the camera itself that you can object to, but, rather, it appears that you object only to the part of the wearable computing system that helps people see better, i.e. the eyepiece (which is harder to conceal). Is it not the camera itself you object to, but the computer vision system?

The computer vision system has no film in it, so no filming is taking place. I've have seen people hide a massive Arriflex motion picture film camera in a bowling bag over their shoulder, and they could be filming you and you would not even know it! But film is obsolete nowadays.

I also notice that you are now using QR codes in your stores, which require a camera to photograph and read by computer. *So you are now simultaneously prohibiting and requiring photography in your stores.*

This matter must be resolved, and it is important not just to me, but also to others, as I am involved in a number of projects to commercialize computational seeing aids such as the MannVis(TM) product that helps people see better. Additionally other companies are now manufacturing similar products (see attached example).

Having invented, designed, built, and worn wearable computing technologies in my day-to-day life for 34 years now, I have come across very few problems with this technology especially recently with its widespread commercial adoption. But it is important that I learn from the experience in your place of business, as we (myself and others) "invent the future".

Many of these systems did not, in the past, record data at all times. But as a result of this McDonalds incident, manufacturers are now planning on building continuous cloud-based (i.e. indestructible by perpetrators of physical assault) recording into these devices so that they function like the "black box" flight recorder on an aircraft, and could thus be used as evidence to bring the perpetrators of any assault to justice. This should serve as a deterrent, but not as a violation of Droit d'Image, because the data is not published or disseminated other than on a need-to-know basis for law enforcement, the courts or the like.

We are also implementing Priveillance(TM) technology in manufactured products, as we consider privacy to be of the utmost importance, and would welcome any thoughts you might have in this regard.

3. Potential resolution of this matter, and making sure that we can learn from it so that the same thing (physical assault by McDonalds employees) does not keep happening:

This matter needs to be brought to a resolve.

An apology rather than a denial would go a long way toward mending hurt feelings.

I believe you also need to re-think the taking of the law (Droit d'Image) into your own hands, especially in view of the growing population of people who use cameras to help them see better, so that they can buy more of your products. In 2012 it is pretty much impossible to stop photography, especially in a popular tourist

location where thousands of people are carrying and wearing cameras. We no longer live in the surveillance-age, we live in the veillance-age or "glassage" where surveillance and sousveillance co-exist to create transparency in both directions.

Regards,

Steve

Steve Mann
330 Dundas Street West
Toronto, Ontario,
M5T 1G5

On Sat, Jul 28, 2012 at 6:32 AM, Perochain Sebastien <Sebastien.Perochain@fr.mcd.com> wrote:

Dear Dr Mann,

We have now completed our in-depth inquiry regarding your visit to our Paris restaurant on July 1, 2012. I would like to inform you that the findings of this inquiry, based on the declarations of employees involved in the alleged incident and also confirmed by all witness statements, did not verify your version of the events. In particular, the accounting of these employees and witnesses did not include any physical altercation, damage to your documents, or obstruction of your use of the toilet. Furthermore they confirmed that you and your family were able to complete your meals before you were asked a second time to stop filming in the restaurant.

We regret that our staff's request that you stop filming in our restaurant offended you. As we previously informed you, our employees were simply attempting to protect the right of privacy of our staff and customers, a right which is protected by Article 9 the French Civil Code. We aim to provide all of our customers a great experience in our restaurants and remain committed to complying with the laws that govern our business and of the rights of all of our employees and customers.

We will be very happy to welcome you again in any of our restaurants and sincerely hope that future visits will leave you with an improved image of our service in France

Best regards
Sebastien Perochain

Posted 17th August by [Steve Mann](#)