

3.8 – Privacy Policy Update

December 8, 2020

Recommendation: As recommended by the Smart Cities and Service Improvements Committee on November 5, 2020:

- ❖ Accept the update on the completion of the City's Privacy Policy and roadmap to implementation; and
- ❖ Approve the Digital Privacy Policy.

Kip Harkness, Deputy City Manager

Rob Lloyd, Chief Information Officer

Marcelo Peredo, City Information Security Officer

Andrew Ehrich, Assistant to the City Manager, City Data Analytics Lead

Why is Digital Privacy Important to San José?

PII = Personally Identifiable Information

===== FIVE CATEGORIES OF PII =====

Personal Data

- Name, address, birthday, email

Sensitive Data

- Biometrics, genetics, race, ethnicity, religion, politics

Image Data

- Pictures or photographs

Recording Data

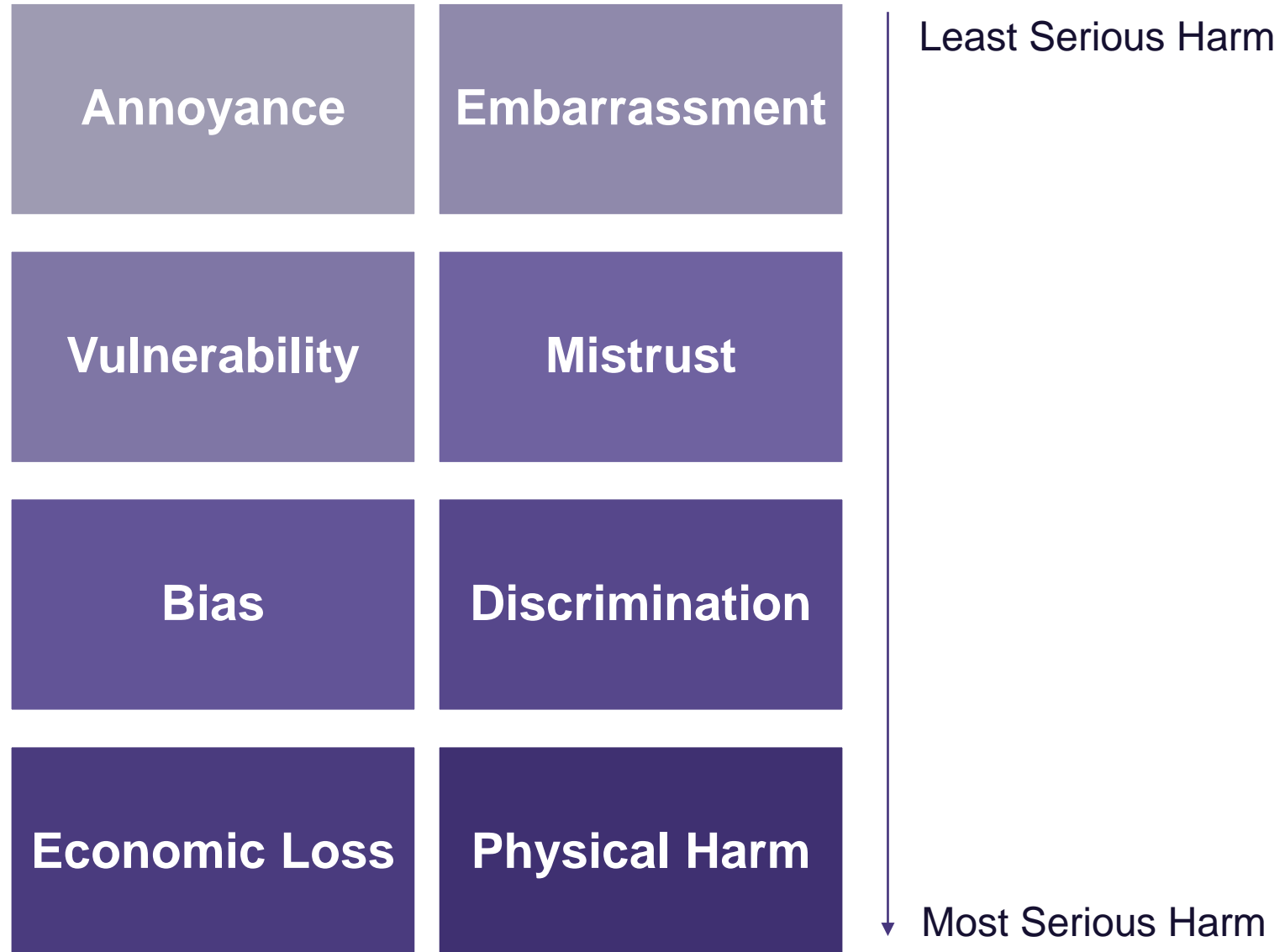
- Audio, video

Geolocation Data

- Device data, vehicle data

Why is Digital Privacy Important to San José?

Adverse Effects of Privacy Violations:



When We Last Left Our Heroes...

City of San José Privacy Principles

Approved by City Council, Sep 2019

WE VALUE PRIVACY: We affirm that privacy is an inherent human right. San José commits to fully evaluating risks to your privacy before collecting, using, or sharing your information.

WE COLLECT ONLY WHAT WE NEED: We collect only what is required to provide and improve city services and comply with the law. We seek community input about what information is used and collected.

WE ARE OPEN AND TRANSPARENT: We are transparent about what information we collect, why we collect it, and how it is used. We commit to being open about our actions, policies, and procedures related to your data. We make our policy documents publicly available and easy to understand.

WE WILL GIVE YOU CONTROL OVER YOUR DATA: We will provide you with the information to make an informed decision about sharing your data. We have clear processes that ensure data accuracy and provide you visibility into what data the city has collected from you.

WE SHARE ONLY WHAT WE NEED: We anonymize your information before we share it outside the city, except in very limited circumstances. Business partners and contracted vendors who receive or collect personal information from us or for us to deliver city services must agree to our privacy requirements.

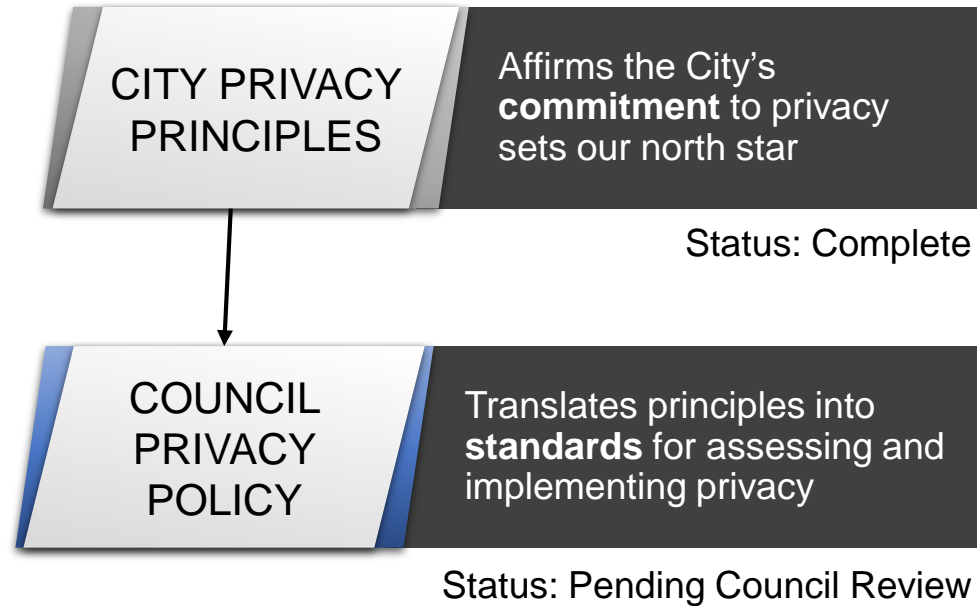
WE DESIGN FOR PRIVACY AND SECURITY: We integrate privacy and security into every aspect of our designs, systems, and processes. We commit to updating our technology and processes to effectively protect your information while under our care. We follow strict protocols in the event your information is compromised.

GDPR: European Union Human-Rights Based Privacy Policy

- ❖ General Data Privacy Regulations (GDPR) is a human-rights based privacy policy adopted by European Union in May 2016 and effective as of May 2018. It has been formally or informally adopted by public and private sector organizations worldwide.
- ❖ City intends to model our Policy after GPDR due to several key benefits:
 - ❖ **Alignment with San José's Privacy Principles** – implementing a policy framework that protects privacy as a human right;
 - ❖ **Accelerated policy development and implementation** – leveraging best practices and lessons learned from other leading institutions; and
 - ❖ **Minimized policy rework** – aligning San Jose's privacy policy with the ongoing evolution of the world's most comprehensive privacy policy.

Adapting GDPR to San José

GOVERNANCE FRAMEWORK

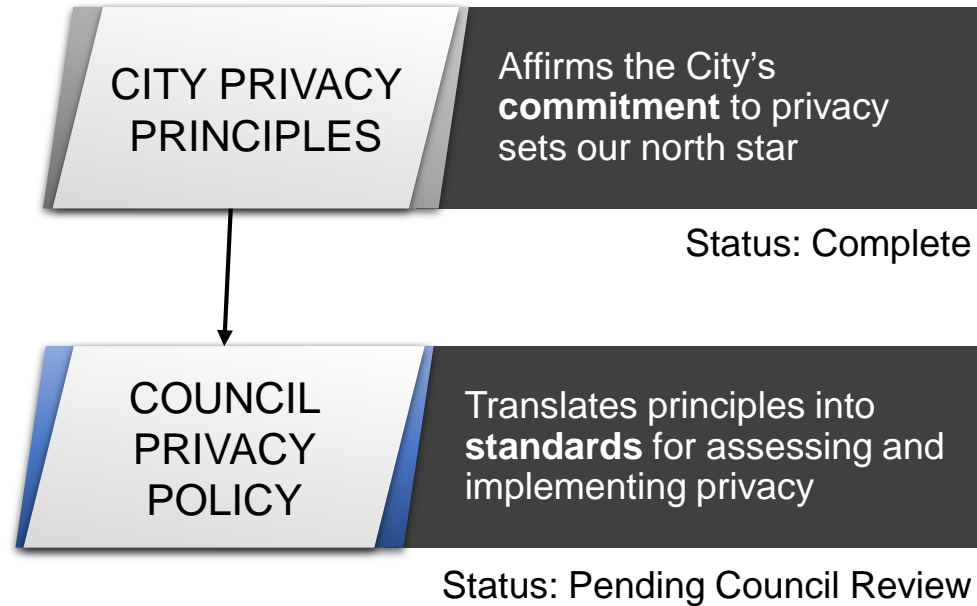


Inputs to Council Digital Privacy Policy

- ❖ **Case studies** of other cities and countries who have modeled privacy programs on GDPR
- ❖ **Privacy Advisory Task Force**, comprised of community leaders from a variety of sectors
- ❖ **Stakeholder engagement** and outreach to City departments

Adapting GDPR to San José

GOVERNANCE FRAMEWORK



Standards in Council Digital Privacy Policy:

- ❖ **Notice:** Regarding collection or use of PII
- ❖ **Retention:** Keeping data only as long as needed
- ❖ **Minimization:** Anonymize or de-identify if possible
- ❖ **Accountability:** Remedies in case of breach
- ❖ **Accuracy:** Human oversight of predictive systems
- ❖ **Sharing:** Enable only safe data sharing
- ❖ **Equity:** Protect against discrimination and bias

Implementation: Comparative Case Studies

ILLUSTRATIVE TIMELINES AND FUNDING

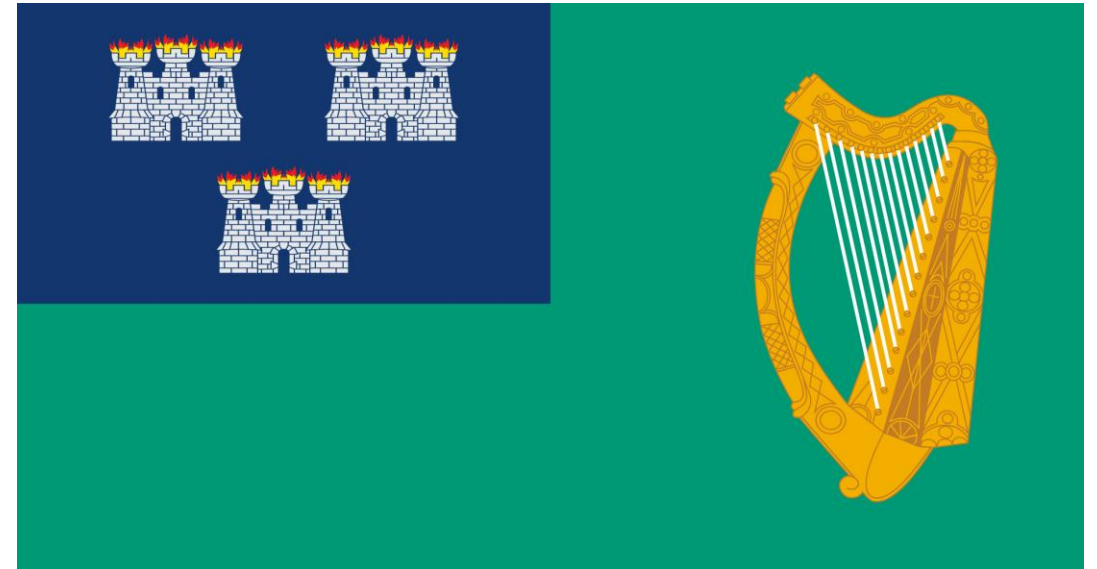
Seattle



City of Seattle

- Program Established 2015
- 4.0 Full-Time Staff, Plus Departmental Resources

Dublin



- Estimate 8 Years to Full GDPR Compliance
- 4.0 Full-Time Staff, Plus Departmental Resources

Why Have A Privacy Policy?

A Citywide Privacy Policy is crucial **to safeguard and protect the public's trust** as the City increasingly **adopts new processes and technologies** to better serve our residents.

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