



Memorandum

TO: RULES AND OPEN GOVERNMENT
COMMITTEE

FROM: Councilmember Rocha

SUBJECT: San Jose Surveillance Policy

DATE: May 10, 2018

Approved

Date

5/10/18

RECOMMENDATION

That the Rules Committee forward the below policy considerations to Staff for their evaluation as part of their work to develop a digital privacy policy:

1. Establish digital privacy rules in the form of an Ordinance, instead of just a policy,
2. Implementation of policy principles of surveillance technologies that address issues of
 - a. Unintended consequences of data gathering of personally identifiable information,
 - b. The potential for bias in data input or analysis,
 - c. Accountability and transparency regarding data collection and storage,
 - d. Opportunity for public education and input regarding the use of new tools with surveillance capacity.

ANALYSIS

In the Mayor's March Budget Message data privacy and security was prioritized as part of the current effort to develop a privacy plan through the Office of Civic Innovation and the Smart Cities & Service Improvement Committee.

San Jose's Smart Cities team is in the early stages of developing a Digital Privacy Policy. The policy is intended to encompass the Smart Cities programs - including Smart Street Lights, Open Data Community Architecture (ODCA), Broadband and Internet of Things – as well as surveillance technology not yet in existence. We have the opportunity to guide Staff during this early stage to ensure that a robust ordinance is drafted.

As part of the current work, Staff has heard from the local chapter of the ACLU, a civil liberties and privacy advocacy organization. The continued engagement of such organizations will be useful in crafting an effective ordinance.

I have had the opportunity to meet with the ACLU and benefit from their expertise on this topic. The City is also fortunate to have knowledgeable Staff who have already put time and resources into digital

privacy and security research with expert consulting. The 12 month timeline for Staff is beginning allows time for thoughtful policy development. My recommendation in this memo is intended to raise important policy considerations that staff should analyze through this process.