(d)2. Privacy Policy Update

Smart Cities and Service Improvements Committee

June 6, 2019

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Privacy Policy Goals

1   Safeguard the public's trust

2   Engage the community

3   Establish a sustainable governance model

Agenda

1   Review Digital Privacy Framework

2   Provide Community Engagement Update

3   Approval of Final Privacy Principles

4   Privacy Policy Development

5   Provide Lessons Learned and Next Steps

Digital Privacy Framework

1 Working Group

2 Advisory Taskforce

3 Public Forums

4 Final Privacy Principles

4
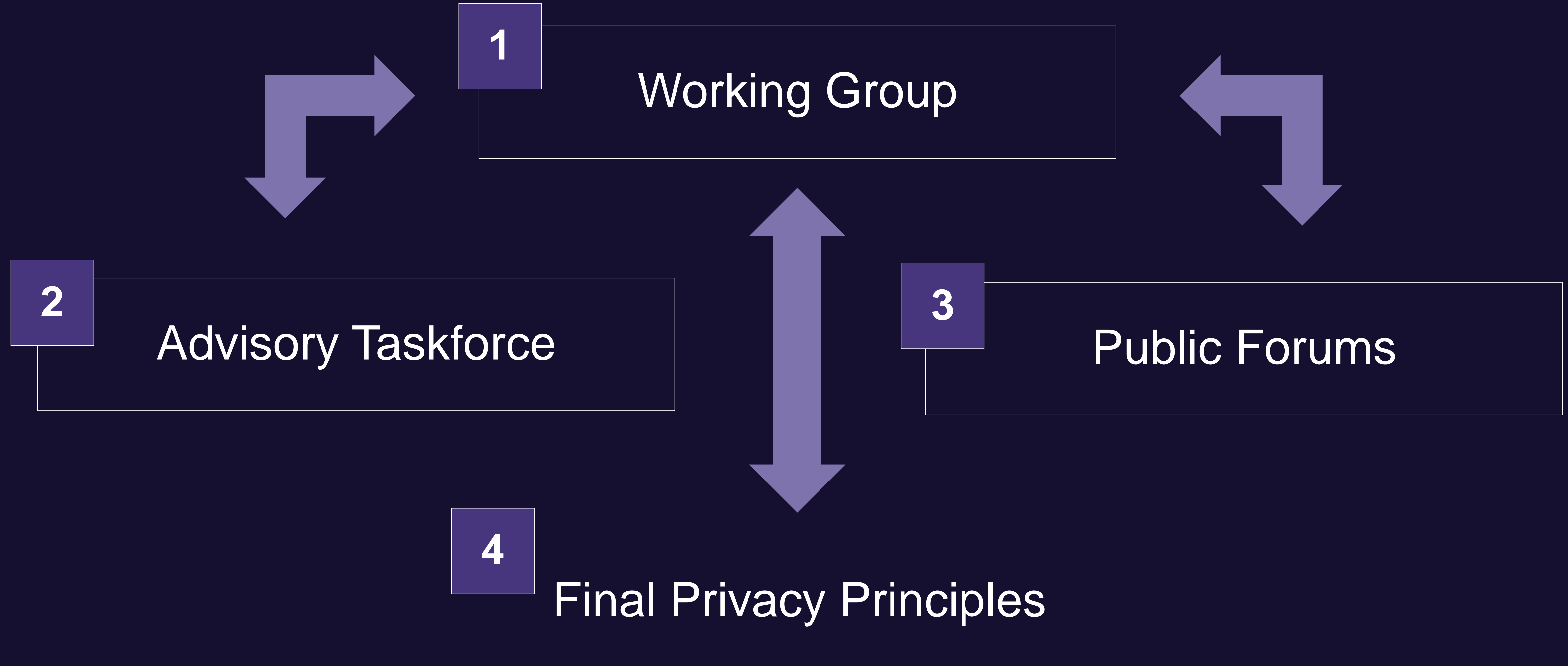
Privacy Public Forums

1

San Jose MLK Jr. Library
- December 4, 2018
- Discussion held in English

2

Somos Mayfair
- April 24, 2019
- Focus group held in Spanish

3

Vietnamese-American Community Center
- April 24, 2019
- Focus group held in Vietnamese
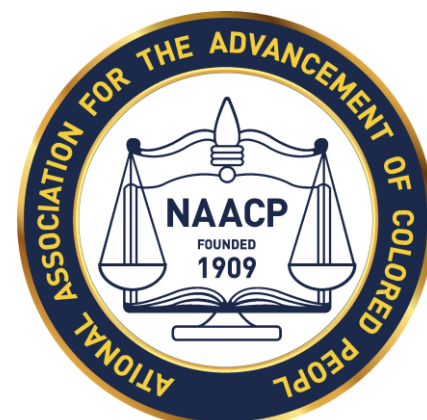
Privacy Public Forums

We learned that residents:

- ✓ Agree with the City's approach and the Privacy Principles

- ✓ Are eager to see the final policy and its implementation

- ✓ Would like a strong method to ensure City and vendor compliance with the Privacy Principles.

Privacy Forum
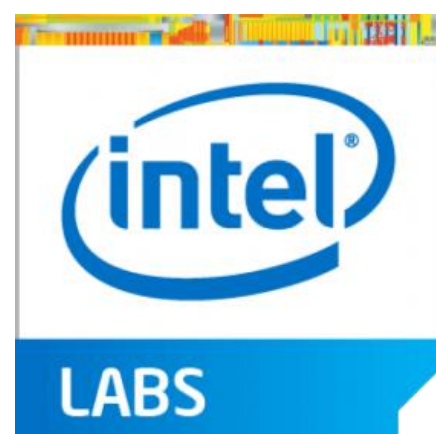MLK Jr. Library
December 18, 2018

Privacy Advisory Taskforce

Non-Profit
Victor Sin, Chair of the Santa Clara Valley Chapter, ACLU of Northern California
Roxana Marachi, Education Chair, San Jose Silicon Valley NAACP

Technology Industry
Heather Patterson, Senior Research Scientist, Intel Labs
Michelle Finneran Dennedy, Chief Privacy Officer, Cisco

Academia
Bob Lim, Vice President, Information Technology and CIO San Jose State University
Irina Raicu, Director, Internet Ethics Markkula Center for Applied Ethics, Santa Clara University

Law Enforcement
James Randol, Retired SJPD Captain, Former Law Enforcement Representative

Government
Mike Shapiro, Chief Privacy Officer Santa Clara County

Privacy Advisory Taskforce

Taskforce feedback:

- ✓ Acknowledge privacy as a human right

- ✓ Use plain language

- ✓ Provide clear information on data collection, distribution, and retention

- ✓ Evaluate privacy and security risk in current and new projects

- ✓ Provide timely notification of data breaches

- ✓ Supportive of City's approach and building a foundation before writing policy.

Privacy Advisory Taskforce
Kickoff Meeting
November 27, 2018

Approval of Final Privacy Principles

The following Privacy Principles are intended to apply to the City's consideration of policy development as it relates to how the City collects, distributes, or otherwise manages data.

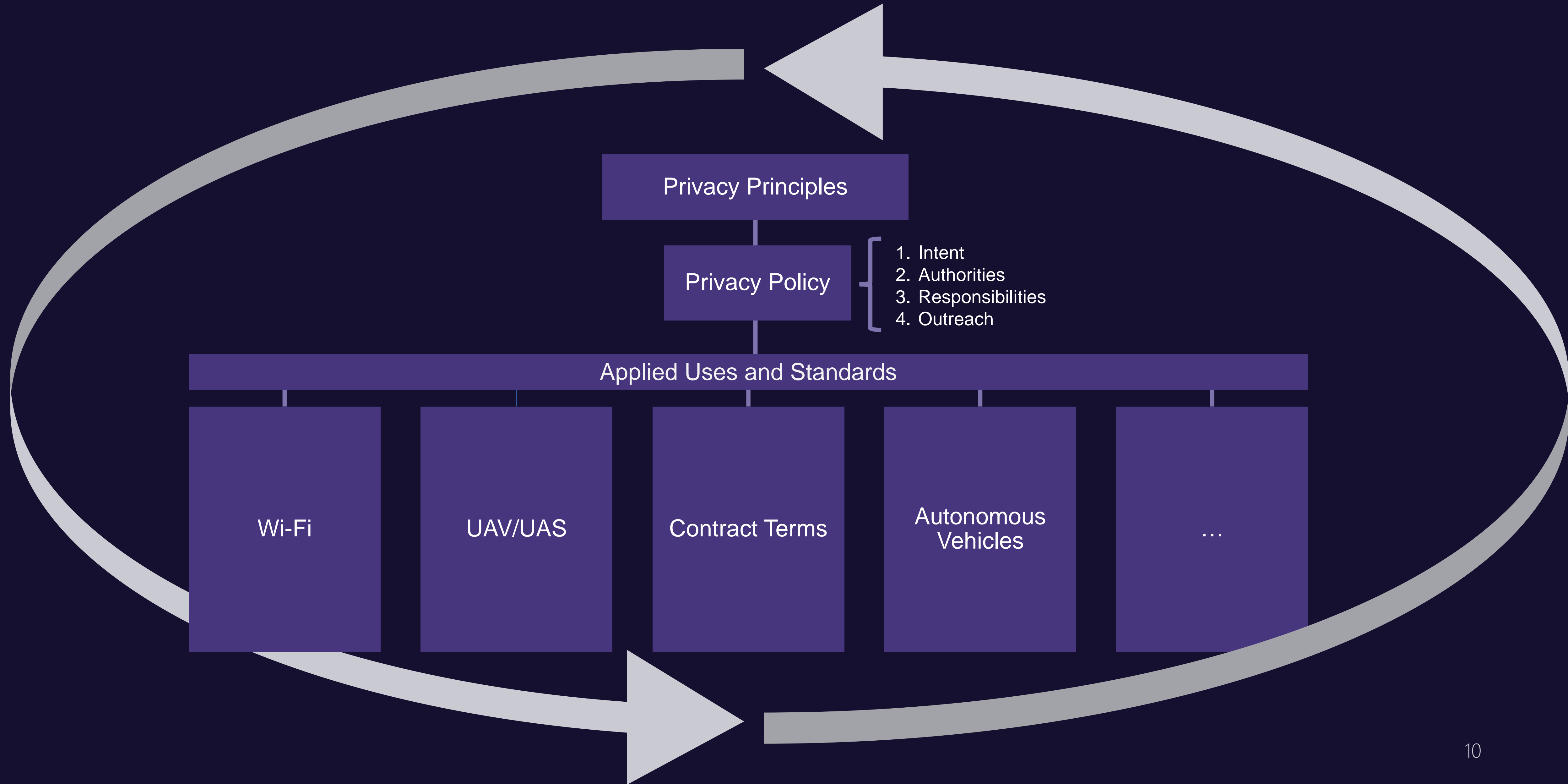|	
WE VALUE PRIVACY	We affirm that privacy is an inherent human right. San Jose commits to fully evaluating risks to your privacy before collecting, using, or sharing your information.
WE COLLECT ONLY WHAT WE NEED	We collect only what is required to provide and improve City services and comply with the 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 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.

Privacy Policy Development

Privacy Principles

Privacy Policy

1. Intent
2. Authorities
3. Responsibilities
4. Outreach

Applied Uses and Standards

| Wi-Fi | UAV/UAS | Contract Terms | Autonomous Vehicles | … |

Privacy Policy Development

Applied Uses and Standards

| Footfall Analytics	Illegal Dumping Monitoring	Audio Sensors	Crime Surveillance	Personal Services	Data Monetization

The development of each use case is:

- Intended to utilize real world technologies with defined outcomes;

- Provide learnings to be applied to City-wide privacy policy;

- Test the City's privacy governance model; and

- Align with the Privacy Principles;

Use Case – Wi-Fi Privacy

The initial findings from the first use case include:

- Need for informative splash page referencing privacy terms
- Existing policy is disparate and not digestible to the average resident
- Wi-Fi data does not identify people and is used only for administering usage/performance
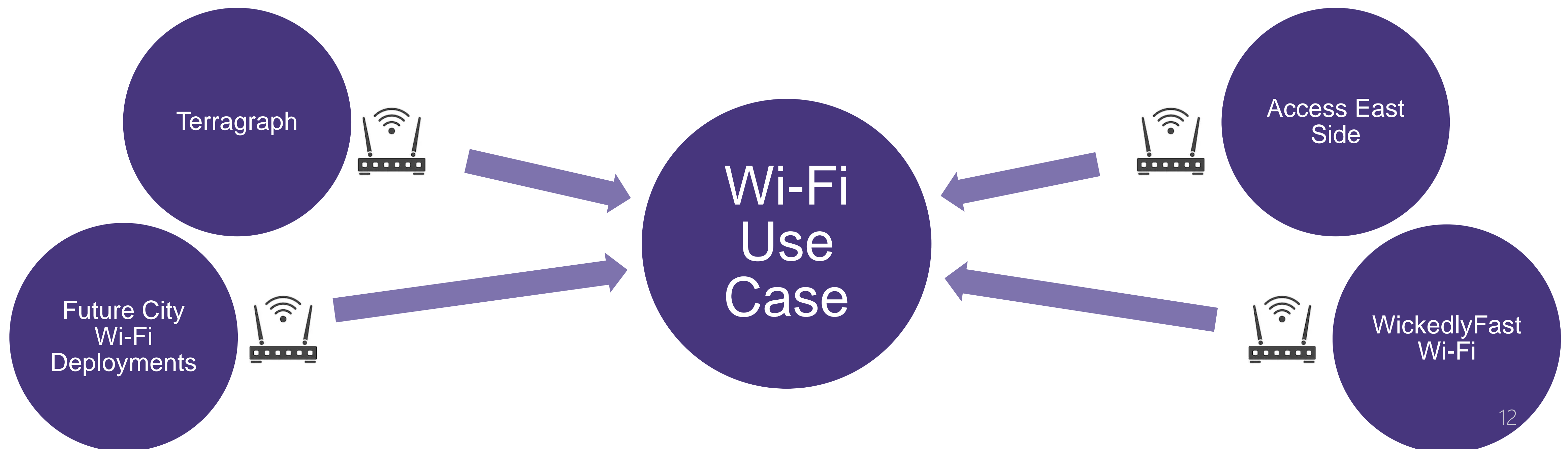
Application of Lessons Learned

- Better leverage existing expertise and capacity
  - Civic Innovation and Administration, Policy, and Intergovernmental (API) will co-lead policy development moving forward

- Clearly define expectations
  - Process and workplan with clearly defined resourcing expectations of City Staff, Working Group, Task Force, and Community will be developed, published, and maintained

- Increase resourcing
  - Additional FY19/20 funding will augment legal, policy, and community engagement expertise (but still below other comparable City resourcing)

- Reinforce Task Force and Repurpose Working Group
  - Task force will continue to be a valuable external advisory team
  - Working Group will be repurposed to an internal advisory team
  - API will help lead both teams

Immediate Next Steps

1 Approve Privacy Principles & Refer to Council for Aug. 13

2 Co-create approach and workplan with Civic Innovation and Administration, Policy, and Intergovernmental leadership

3 Report back to Committee in September with detailed workplan

4 Resource workplan and begin privacy policy development