



95127

DATE: August 13, 2019

TO: Board of Supervisors

FROM: Miguel Marquez, Chief Operating Officer

SUBJECT: Surveillance Use Policies for Existing Surveillance Technologies

RECOMMENDED ACTION

Held from June 4, 2019 (Item No. 30): Approve Surveillance Technology Use Policies for existing surveillance technologies, that have been reviewed and approved by County Counsel as to form and legality. (Office of the County Executive)

- a. Office of the Assessor - Video Cameras in the Assessor's Office
- b. Office of the County Executive Office of Emergency Services - Situational Awareness Tools
- c. Probation Department - Electronic Monitoring Program Devices
- d. Procurement Department - Audio Recorders
- e. Registrar of Voters - Security Cameras
- f. Roads and Airports Department - Airport Noise and Operations Monitoring System
- g. Roads and Airports Department - Facility Security Camera Systems
- h. Social Services Agency - Telephonic and Voice Recording Equipment
- i. Social Services Agency - Video Security Cameras

COMMITTEE RECOMMENDATIONS

The Finance and Government Operations Committee (“FGOC” or “Committee”) considered draft Surveillance-Technology Use Policies (“Policies”) from various departments at its January 17, 2019 (Item No. 6) meeting. FGOC recommended that the draft Policies move forward to the Board of Supervisors (“Board”) for consideration.

FISCAL IMPLICATIONS

There are no fiscal implications associated with the recommended action.

REASONS FOR RECOMMENDATION

On June 21, 2016 (Item No. 180), the Board unanimously approved final adoption of the Surveillance-Technology and Community-Safety Ordinance (“Ordinance”), which became effective July 21, 2016. County departments with existing surveillance technology as of July 21, 2016, prepared draft Surveillance-Technology Use Policies for existing technology and preliminarily submitted those draft Policies to the Board of Supervisors in 2017. The draft Policies were submitted to FGOC for discussion before returning to the Board for approval. Following FGOC’s favorable recommendation, the draft Policies are being submitted to the Board in small batches. Consistent with the Ordinance, each Policy is required to specify the purpose, authorized and prohibited uses, information/data that can be collected, data access, data protection, data retention, public access, third-party data sharing, training, and oversight mechanisms.

Attached are the following nine proposed Policies. A redlined copy of each proposed Policy is attached to show the edits to the proposed Policy since the 2017 preliminary submission to the Board. The Chief Privacy Officer has reviewed the proposed Policies and the Office of the County Counsel has approved them as to form and legality. In addition, the proposed Policies have been posted for public access and consideration on <https://www.sccgov.org/sites/ceo/srtup/Pages/home.aspx>, and the Labor Relations Department has distributed the proposed Policies to the labor organizations.

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CHILD IMPACT

The recommended action will have a positive impact on children and youth in that public discussion, vetting, and Board approval of Surveillance Use Policies will provide notice to the public regarding how various forms of surveillance technology are used, how long data is retained, how information may be accessed, and other information regarding safeguards to address potential privacy, civil liberties, and civil rights issues.

SENIOR IMPACT

The recommended action will have a positive impact on seniors in that public discussion, vetting, and Board approval of Surveillance Use Policies will provide notice to the public regarding how various forms of surveillance technology are used, how long data is retained,

how information may be accessed, and other information regarding safeguards to address potential privacy, civil liberties, and civil rights issues.

SUSTAINABILITY IMPLICATIONS

The recommended action will have no/neutral sustainability implications.

BACKGROUND

On June 21, 2016 (Item No. 180), the Board unanimously approved final adoption of the Ordinance, which became effective July 21, 2016. County departments with existing surveillance technology as of July 21, 2016, drafted a Policy for each technology. The Board received the draft Policies at its January 10, 2017 (Item No. 21), and April 11, 2017 (Item No. 22) meetings. One additional draft Policy for existing technology was submitted to the Board on May 9, 2017 (Item No. 16). Following preliminary submission to the Board, the Labor Relations Department provided notice of the proposed departmental Policies to the labor organizations, and, when requested, conducted meet-and-confers with individual labor organizations over the potential impact of the proposed Policies.

At the August 10, 2017 (Item No. 5) FGOC meeting, Administration submitted a status report on the draft Policies, including the status of meetings with labor organizations. The Committee requested that Administration submit the completed draft Policies to FGOC in order to provide a forum for public and Committee discussion, prior to submittal to the Board of Supervisors. During an initial review of seventeen proposed Policies at the September 14, 2017 (Item No. 7) FGOC meeting, the Committee requested that Administration and County Counsel work with departments to clarify and revise the draft Policies prior to further FGOC discussion. Administration and County Counsel revised the proposed Policies and are submitting them in batches to FGOC. Following a favorable recommendation by FGOC, Administration and County Counsel are submitting the draft policies to the Board for consideration. The Board approved eight policies on August 14, 2018 (Item No. 27); seven policies on August 28, 2018 (Item No. 26); nine policies on October 16, 2018 (Item No. 21); nine policies on October 30, 2018 (Item No. 26); eleven policies on November 20, 2018 (Item No. 20); and nine policies on January 15, 2019 (Item No. 15).

Twenty-two draft Policies were submitted to the October 11, 2018 (Item No. 5) FGOC meeting at which time the Committee requested that Administration and County Counsel further clarify portions of 11 of the draft Policies, and then submit updated draft Policies to FGOC for further consideration. Following the FGOC meeting, the Office of the County Counsel and Administration clarified the language in the 11 draft Policies in response to the Committee's request. The eleven Policies, along with two other Policies, were resubmitted to the November 29, 2018 (Item No. 5), and were held for consideration at a future FGOC meeting. At its January 17, 2019 meeting (Item No. 6), the Committee considered the draft Policies and recommended the draft Policies move forward to the Board of Supervisors ("Board") for consideration. Nine of those Policies are agendaized for Board consideration at this February 12, 2019 Board meeting, and the others will be presented at a future Board meeting.

Since the impact of adopting these Policies may be subject to the meet-and-confer process with County labor organizations, the Labor Relations Department provided notice of the updated draft Policies to the labor organizations.

CONSEQUENCES OF NEGATIVE ACTION

The Policies will not complete the process of being approved by the Board pursuant to the Ordinance.

STEPS FOLLOWING APPROVAL

The Clerk of the Board shall notify Kim Forrester, Office of the County Counsel, regarding the approval of the Policies.

ATTACHMENTS:

- Office of the Assessor - Video Cameras in the Assessor's Office Surveillance Use Policy(PDF)
- Office of the Assessor - Video Cameras in the Assessor's Office Surveillance Use Policy (Redlined Since Preliminary Submission in 2017) (PDF)
- Office of the County Executive Office of Emergency Services - Situational Awareness Tools Surveillance Use Policy (PDF)
- Office of the County Executive Office of Emergency Services - Situational Awareness Tools Surveillance Use Policy (Redlined Since Preliminary Submission in 2017) (PDF)
- Probation Department - Electronic Monitoring Program Devices Surveillance Use Policy(PDF)
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- Procurement Department - Audio Recorders Surveillance Use Policy (PDF)
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- Roads and Airports Department - Facility Security Camera Systems Surveillance Use Policy(PDF)
- Roads and Airports Department - Facility Security Camera Systems Surveillance Use Policy (Redlined Since Preliminary Submission in 2017) (PDF)
- Social Services Agency - Telephonic and Voice Recording Equipment Surveillance Use Policy (PDF)
- Social Services Agency - Telephonic and Voice Recording Equipment Surveillance Use Policy (Redlined Since Preliminary Submission in 2017) (PDF)
- Social Services Agency - Video Security Cameras Surveillance Use Policy (PDF)
- Social Services Agency - Video Security Cameras Surveillance Use Policy (Redlined Since Preliminary Submission in 2017) (PDF)

HISTORY:

02/26/19	Board of Supervisors	HELD	Next: 03/12/19
03/12/19	Board of Supervisors	HELD	Next: 04/09/19
04/09/19	Board of Supervisors	HELD	Next: 05/07/19
05/07/19	Board of Supervisors	HELD	Next: 06/04/19
06/04/19	Board of Supervisors	HELD	Next: 08/13/19