



95700

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. 31): 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. Santa Clara Valley Health and Hospital System - Baby Match Technology Used at Santa Clara Valley Medical Center
- b. Santa Clara Valley Health and Hospital System - Badge and Biometric Readers
- c. Santa Clara Valley Health and Hospital System - FairWarning Electronic Health Record Privacy Monitoring System
- d. Santa Clara Valley Health and Hospital System - Mobile Audio and Visual Recording Devices
- e. Santa Clara Valley Health and Hospital System - NicView Camera Technology Used at Santa Clara Valley Medical Center
- f. Santa Clara Valley Health and Hospital System - Professional Research Consultants Communication Technology
- g. Santa Clara Valley Health and Hospital System - Security Cameras Used at Santa Clara Valley Health and Hospital System Facilities
- h. Santa Clara Valley Health and Hospital System - Telephonic and Voice Recording Equipment
- i. Santa Clara Valley Health and Hospital System - Vocera Communication Technology
- j. Santa Clara Valley Health and Hospital System Emergency Medical Services Agency - Mobile Area Routing and Vehicle Location Information System

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 10 proposed Policies. Redlined copies of eight proposed Policies are attached to show the edits to each proposed Policy since the 2017 preliminary submission to the Board. Two proposed Policies, regarding Professional Research Consultants Communication Technology and Telephonic and Voice Answering Equipment, were identified as existing technology after the 2017 submission and therefore were not presented to the Board in draft form in 2017. The Chief Privacy Officer has reviewed all ten of 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.

- Santa Clara Valley Health and Hospital System - Baby Match Technology Used at Santa Clara Valley Medical Center
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- Santa Clara Valley Health and Hospital System - Mobile Audio and Visual Recording Devices
- Santa Clara Valley Health and Hospital System - NicView Camera Technology Used at Santa Clara Valley Medical Center
- Santa Clara Valley Health and Hospital System - Professional Research Consultants Communication Technology

- Santa Clara Valley Health and Hospital System - Security Cameras Used as Santa Clara Valley Health and Hospital System Facilities
- Santa Clara Valley Health and Hospital System - Telephonic and Voice Recording Equipment
- Santa Clara Valley Health and Hospital System - Vocera Communication Technology
- Santa Clara Valley Health and Hospital System Emergency Medical Services Agency - Mobile Area Routing and Vehicle Location Information System

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). Nine policies were submitted to the February 26, 2019 Board meeting; the policies were held for consideration at a future Board meeting.

Twenty-three draft Policies—which included three policies from the Office of the District Attorney, one policy from the Office of the Sheriff, and 10 policies from the Santa Clara Valley Health and Hospital System—were submitted to the November 8, 2018 (Item No. 6) FGOC, and held to the November 29, 2018 FGOC meeting (Item No. 4). At the November 29, 2018, the Committee forwarded nine of the policies to the Board for consideration, and requested that the remaining 14 policies return to FGOC for further consideration. Of the 14 policies, the Committee requested clarification edits to the Office of the District Attorney policies and the Office of the Sheriff Custody Bureau policy. At its January 17, 2019 meeting (Item No. 5), the Committee considered the 14 draft Policies—including the updated versions of the 4 policies—and recommended the draft policies move forward to the Board of Supervisors (“Board”) for consideration. The ten policies from the Santa Clara Valley Health and Hospital System are agendaized for Board consideration at this March 19, 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:

- SCVHHS - Baby Match Technology Used at Santa Clara Valley Medical Center Surveillance Use Policy (PDF)
- SCVHHS - Baby Match Technology Used at Santa Clara Valley Medical Center Surveillance Use Policy (Redlined Since Preliminary Submission in 2017) (PDF)
- SCVHHS - Badge and Biometric Readers Surveillance Use Policy (PDF)
- SCVHHS - Badge and Biometric Readers Surveillance Use Policy (Redlined Since Preliminary Submission in 2017) (PDF)
- SCVHHS - FairWarning Electronic Health Record Privacy Monitoring System Surveillance Use Policy (PDF)
- SCVHHS - FairWarning Electronic Health Record Privacy Monitoring System Surveillance Use Policy (Redlined Since Preliminary Submission in 2017) (PDF)
- SCVHHS - Mobile Audio and Visual Recording Devices Surveillance Use Policy (PDF)
- SCVHHS - Mobile Audio and Visual Recording Devices Surveillance Use Policy (Redlined Since Preliminary Submission in 2017) (PDF)
- SCVHHS - NicView Camera Technology Used at Santa Clara Valley Medical Center Surveillance Use Policy (PDF)
- SCVHHS - NicView Camera Technology Used at Santa Clara Valley Medical Center Surveillance Use Policy (Redlined Since Preliminary Submission in 2017) (PDF)
- SCVHHS - Professional Research Consultants Communication Technology Surveillance Use Policy (PDF)
- SCVHHS - Security Cameras Used at SCVHHS Facilities Surveillance Use Policy (PDF)
- SCVHHS - Security Cameras Used at SCVHHS Facilities Surveillance Use Policy (Redlined Since Preliminary Submission in 2017) (PDF)
- SCVHHS - Telephonic and Voice Recording Equipment Surveillance Use Policy (PDF)
- SCVHHS - Vocera Communication Technology Surveillance Use Policy (PDF)
- SCVHHS - Vocera Communication Technology Surveillance Use Policy (Redlined Since Preliminary Submission in 2017) (PDF)
- SCVHHS Emergency Medical Services Agency - Mobile Area Routing and Vehicle Location Information System (MARVLIS) Surveillance Use Policy (PDF)
- SCVHHS Emergency Medical Services Agency - Mobile Area Routing and Vehicle Location Information System (MARVLIS) Surveillance Use Policy (Redlined Since Preliminary Submission in 2017) (PDF)

HISTORY:

03/19/19	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