

LEGISLATIVE DIGEST

[Administrative Code - Surveillance Technology Ordinance Amendments]

Ordinance amending the Administrative Code to revise the Surveillance Technology Ordinance by, among other things, reducing administrative burdens associated with reporting requirements; clarifying certain exceptions to the definition of “Surveillance Technology;” transferring the responsibility of creating or amending a Surveillance Technology Policy from the Committee on Information Technology (COIT) to the departments using such technology; and adding a reporting requirement for COIT regarding existing Surveillance Technology still awaiting approval of a Surveillance Technology Policy.

Existing Law

Chapter 19B of the Administrative Code requires Departments that seek to acquire or use surveillance technology to obtain approval from the Board of Supervisors. Departments are responsible for creating a Surveillance Technology Policy to submit to COIT, and based on that policy, COIT develops a Surveillance Technology Policy. Following approval of their Surveillance Technology Policy, Departments must also submit Annual Reports to the Board of Supervisors. Chapter 19B defines, among other things, the information a Department must include in its Surveillance Technology Policy, Surveillance Impact Report, and Annual Surveillance Reports. It also defines Surveillance Technology and lists fifteen categories of technology that are exempt from that definition.

For surveillance technology that a Department was already using in 2019, when the Surveillance Technology Ordinance was initially adopted, Departments were required to submit to COIT an inventory of such technology and to, within 180 days after the effective date of Chapter 19B, submit to the Board of Supervisors policies covering that existing technology. COIT is authorized to extend that deadline for good cause.

Amendments to Current Law

This ordinance would amend Chapter 19B to reduce administrative burdens on Departments by: (1) eliminating redundancy between the requirements for a Surveillance Impact Report and Surveillance Technology Policy; (2) removing the requirements that Departments submit their Surveillance Technology Policy to the City Attorney and Mayor for review before submitting it to the Board of Supervisors; (3) reducing the amount of information Departments must submit with their Annual Surveillance Reports; and (4) reducing the cadence of Annual Surveillance reports from every year to every two years after the first annual report.

The ordinance would also amend Chapter 19B to reduce administrative burdens on COIT by shifting from COIT to Departments the responsibility of creating a Surveillance Technology

Policy and clarifying that Departments are responsible for submitting any amendments to a policy directly to the Board of Supervisors rather than to COIT.

For technology that Departments were using before Chapter 19B went into effect in 2019, the ordinance would remove the requirement that COIT approve extensions of time for Departments to obtain Board of Supervisors approval of Surveillance Technology Policies. But, the ordinance would impose a new requirement that, on March 1, 2025 and every six months thereafter, COIT issue a report on the status of any Surveillance Technology for which a Department has not yet received Board approval of a Surveillance Technology Policy.

The ordinance also includes updates to the definition of Surveillance Technology to reflect information gathered by COIT during the first five years of implementing the Surveillance Technology Ordinance and to more clearly define technology that does not qualify as Surveillance Technology.

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