

LEGISLATIVE DIGEST

[Administrative Code - Acquisition of Surveillance Technology]

Ordinance amending the Administrative Code to require that City departments acquiring Surveillance Technology submit a Board of Supervisors approved Surveillance Technology Policy Ordinance and a Surveillance Impact Report to the Board in connection with any request to appropriate funds for the purchase of such technology or to accept and expend grant funds for such purpose, or otherwise to procure Surveillance Technology equipment or services; require each City department that owns and operates existing surveillance technology equipment or services to submit to the Board a proposed Surveillance Technology Policy Ordinance governing the use of the surveillance technology; and requiring the Controller, as City Services Auditor, to audit annually the use of surveillance technology equipment or services and the conformity of such use with an approved Surveillance Technology Policy Ordinance and provide an audit report to the Board of Supervisors.

Existing Law

Existing law requires any department, board or commission that seeks to accept and expend grant funds in excess of \$100,000 to request Board of Supervisors' approval. Existing law requires any department, board or commission that seeks to accept and expend grant funds less than \$100,000 to comply with rules prescribed by the Controller for the acceptance and expenditure of grant funds.

Existing law requires that any department, board or commission that seeks to purchase commodities and services comply with the Purchaser's rules and regulations set forth in Chapter 21 of the Administrative Code.

Existing law requires that the Controller audit the accounts of all boards, officers and employees and the account of all moneys coming into the hands of the Treasurer. Existing law authorizes the Controller to audit the effectiveness and efficiency of all boards, commissions, officers and departments.

Amendments to Current Law

This ordinance would require departments (defined to exclude the District Attorney and Sheriff while performing investigative or prosecutorial functions) seeking to acquire surveillance technology or services to create and submit with any funding request a Surveillance Technology Policy ordinance, approved by the Board of Supervisors, setting forth a description of the product or services, their purpose and cost, locations for use, a data storage and retention plan, authorized uses, whether the data will be public, who will be authorized

access, training, access controls, complaint procedures, and any safeguards to reduce the chilling effect of the technology and prevent its unauthorized use. This ordinance also would prohibit departments' use of surveillance technology services or equipment unless the Board of Supervisors had approved a Surveillance Technology Policy ordinance for the services or equipment. It also would require that departments prepare for review by the Board of Supervisors an Annual Surveillance Report that describes how the technology was used, what data was retained, deleted, or shared, a summary of public comments or concerns about the technology's use, the results of any internal audit, statistics that calculate its effectiveness in achieving its designed purpose, whether data generated was requested and or provided by and to the public, and the total costs. This ordinance would prohibit departments' use of face recognition technology.

The ordinance also would require the Controller to audit annually the use of surveillance technology, including a review of whether a department has and is operating in compliance with a Surveillance Technology Policy ordinance and completed an Annual Surveillance Report. The ordinance also would require that the Controller's audit include a review of the costs of the surveillance technology and services. Finally, the ordinance would require that the Controller, in consultation with the City Attorney, recommend any changes to any Surveillance Technology Policy ordinance and its implementation to the Board of Supervisors.

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