

## LEGISLATIVE DIGEST

[Administrative Code - Surveillance Technology/Services Acquisition]

**Ordinance amending the Administrative Code to require City departments acquiring surveillance technology to submit an approved Surveillance Data Policy to the Board of Supervisors 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 adopt a Surveillance Data Policy for the surveillance technology within 12 months; authorize the Controller, as City Services Auditor, to audit the use of surveillance technology equipment or services and the conformity of such use with an approved Surveillance Data Policy annually and provide an audit report to the Board of Supervisors; and affirming the Planning Department's determination under the California Environmental Quality Act.**

### 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, boards and commissions seeking funding to acquire surveillance technology or services to create and submit with any funding request a Surveillance Data Policy setting forth a description of the product or services, their cost, locations for use, a data storage and retention plan, whether the data will be public, and any safeguards to reduce the chilling effect of the technology and prevent its unauthorized use. It would also 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.

The ordinance would also 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 Data Policy and completed an Annual Surveillance Report. The ordinance would also require that the Controller's audit include a review of the difference if any between the projected and actual 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 Data Policy and its implementation to the Board of Supervisors.

#### Background Information

The ordinance is intended to ensure that the decision to use surveillance technology balances its costs and benefits, including benefits to public safety, government accountability, and the public's right to privacy and free expression. The ordinance is further intended to ensure that surveillance technology acquisitions are transparent, informed, and subject to public debate, oversight, and annual evaluation of costs and benefits.

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