<u>LEGISLATIVE DIGEST</u>

[Administrative Code - Implementing the Charter's Privacy First Policy]

Ordinance amending the Administrative Code to implement the Privacy First Policy in Charter, Section 16.130, by creating an Office of Data Privacy under the City Administrator, headed by a Chief Privacy Officer ("CPO") with responsibilities for implementing the Policy; requiring City departments to provide information to the CPO regarding their collection, storage, sharing, and use of personal information to enable the CPO to provide guidance and recommendations to departments, and recommendations to the City Administrator, for implementing the Policy; authorizing the City Administrator to adopt rules and regulations to implement the Policy, and to delegate that authority to the CPO and the Purchaser; requiring the City Administrator to make periodic reports describing the City's implementation of the Policy; and authorizing the City Administrator rather than the Mayor to appoint the Chief Data Officer ("CDO") and shifting responsibilities for determining which data sets are appropriate for public disclosure from the CDO to the CPO.

<u>Existing Law</u>

The City has some laws providing some privacy protections for the collection, storage, use, and retention of personal information. On November 6, 2018, the voters amended the Charter to establish the City's Privacy First Policy ("Policy"), which, by setting forth a comprehensive set of privacy principles, provides guidance for City agencies and officials to consider when proposing privacy-protective laws, regulations, policies, and practices.

<u>Amendments to Current Law</u>

The proposed ordinance would establish the Office of Data Privacy and create the position of the Chief Privacy Officer ("CPO") to be appointed and serve under the City Administrator, to oversee the implementation of the Policy and to perform any other duties related to data privacy as assigned by the City Administrator. The CPO would collect information from departments about their collection, storage, sharing, and use of personal information, provide guidance and recommendations to departments regarding implementation of the Policy, and provide recommendations and a report to the City Administrator, who could adopt rules and regulations consistent with the Charter that implement the Policy, and who also could delegate rulemaking authority to the CPO and the Purchaser. In addition, the City Administrator would provide periodic reports to the Board of Supervisors and the Mayor about implementation of the Policy.

The proposed ordinance also amends Administrative Code Chapter 12M, which protects against disclosure of private information, to align it with the Policy by including the Policy's definition of "personal information" in Chapter 12M's definition of "private information."

Further, the proposed ordinance amends Administrative Code Chapter 22D to change the responsibility for appointing the Chief Data Officer from the Mayor to the City Administrator, and moves the responsibilities for determining which data sets are appropriate for public disclosure from the Chief Data Officer to the Chief Privacy Officer.

Background Information

The Charter amendment establishing the Policy requires the City Administrator submit an ordinance implementing the policy to the Board of Supervisors by May 31, 2019.

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