

LEGISLATIVE DIGEST
(Substituted - 11/05/24)

[Administrative Code - Artificial Intelligence Inventory]

Ordinance amending the Administrative Code to establish a process for creating a publicly available inventory of Artificial Intelligence (“AI”) the City uses, reporting requirements and enforcement measures.

Existing Law

Existing law does not address the procurement of Artificial Intelligence (“AI”) systems or products by the City.

Amendments to Current Law

This ordinance would amend the Administrative Code by adding Section 22J to the San Francisco Administrative Code to:

- (i) establish a process for creating and publishing an inventory of AI technology currently in use and to be procured in the future by the City;
- (ii) establish a process for the public to provide written notice of an alleged violation of a department’s responsibility to include an AI technology in its inventory response; and
- (iii) delegate to the various responsibilities necessary to implement these tasks.

Background Information

Local governments have been using AI products since the early 1990s. However, beginning in the 2010s significant advancements in AI technology, including machine and deep learning, led to a surge in adoption of various products by local governments. With the recent advent of Generative AI products like Chat GPT and others that produce original content, the potential benefits and risks to San Francisco residents and workers has increased.

Policy makers are trying to avoid past mistakes, like the failure to regulate social media before it led to many societal harms and find ways to protect human beings from the worst predictable problems of this newest wave of technological advancement.

The City wants to both harness the benefits and protect against harms of emerging AI technology. To do that, it is important that policy makers and the public understand what AI technologies the City is using and will use in the future.

The City has a decentralized Information Technology (“IT”) system. Most City departments have their own IT units and as of 2024 the City’s Department of Technology (“DT”) did not generally know what AI products and systems were in use by departments.

Within six months of the effective date of this ordinance, the CIO shall collect the AI technology data from Departments. Within one year of the effective date of this ordinance, the Inventory shall be complete, including any and all AI technology used by the City. In addition, within one year of the effective date, the CIO shall update the Inventory with any AI technology that the City is in the process of purchasing, borrowing, or receiving as a gift, with or without the exchange of compensation or other consideration before acquiring the technology and/or putting the technology into use. This ordinance would require the City to publish an inventory of all AI systems currently in use by departments on the DataSF platform.

There is an enforcement provision that would allow people to allege if a department has failed to include an AI technology in its inventory response and if not cured within 30 days, a procedure for holding departments accountable for failure to comply. The CIO shall quarterly report to the Board of Supervisors the notices of alleged violation that the CIO deemed valid and were not cured within 30 days of the notice. If the report identifies any departments out of compliance, then a hearing on each such department's noncompliance shall be calendared as an agenda item of the Government Audit and Oversight Committee of the Board of Supervisors, at which hearing the Department Head shall report on the department's plan for coming into compliance. The Controller shall conduct an annual review of all department inventory responses and by letter addressed to the Board of Supervisors confirm each department’s compliance or noncompliance with this ordinance.

The ordinance shall not preclude the use of any other City process or program, such as the Controller’s Whistleblower Program, for raising an issue concerning compliance with this Chapter 22J.

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