

**LEGISLATIVE DIGEST**  
(First Draft, 5/22/2018)

[Charter Amendment - Privacy First Policy]

**Describing and setting forth a proposal to the voters at an election to be held November 6, 2018, to amend the Charter of the City and County of San Francisco to adopt a Privacy First Policy.**

Existing Law

Under existing law, the City does not require its contractors and those whom the City allows to use its public space or resources to follow a Privacy First Policy.

Background Information

The proposed Charter Amendment would define the term “Personal Information” and require the City, its contractors, and those whom the City allows to use its public space or resources be guided by the following core privacy principles when collecting, using or storing personal information of San Francisco’s residents and visitors.

1. Impacted communities are informed and consulted before the collection, storage, or use of Personal Information is authorized.
2. Individuals have the right to know how their Personal Information is collected and stored and how it is being used or may be used in the future, and have a right to have access to information about and control over the collection, storage or use of their Personal Information.
3. Individuals have the right to move and organize anonymously throughout the City without being tracked, located, or subject to data collection without their consent.
4. The costs and risks to and impact upon the privacy and anonymity of residents, visitors, and communities is evaluated before granting any permit, license, or other such entitlement allowing use of the City’s public space or resources, and before

entering any contract that involves the collection, storage, or use of Personal Information.

5. Personal Information shall not be collected unless individuals have given express, informed consent to the collection, storage, or use of the Personal Information

6. The collection, storage, or use of information that may identify an individual's race, religion or creed, national origin, gender, sexual orientation, age, physical, or mental disability, or other protected characteristics for any purpose other than as necessary to accomplish the purpose of the collection shall be discouraged. Personal Information shall not be retained for longer than is necessary to accomplish the purpose to which an individual has consented.

7. Personal Information is collected, stored, and used in a manner that ensures appropriate security of the Personal Information, including protection against unauthorized or unlawful processing or disclosure and against accidental loss, destruction, or damage.

The Privacy First Policy recognizes that in some circumstances privacy principles must be reconciled with other legitimate public interests and is not intended to compromise the City's ability through otherwise lawful and legitimate means to protect the public health, safety, and security and to recognize the legitimate needs of law enforcement to protect the community. The Board may by ordinance amend Chapter 12M and 67 of the Administrative Code in a manner that is consistent with this policy.

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