File No	180545	Committee Item No.	11
		Board Item No.	34
	COMMITTEE/BOA	RD OF SUPERVIS	SORS
	AGENDA PACI	KET CONTENTS LIST	
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Committee	: Rules Committee		July 16, 2018
Board of S	upervisors Meeting	Date	July 24, 2018
Cmte Boa	ard		
	Motion	•	
	Resolution		
	Ordinance		
	Legislative Digest Budget and Legislativ	re Δnalvet Report	
	Youth Commission Re	•	
	Introduction Form		
		over Letter and/or Repo	ort
	Memorandum of Unde	- ` ,	
	Grant Information For Grant Budget	'n	
H . H	Subcontract Budget		
	Contract/Agreement		
	Form 126 - Ethics Cor	mmission	
	Award Letter		
	Application		
	Form 700 Vacancy Notice	•	
	Information Sheet		
	Public Corresponden	ce	
OTHER	(Use back side if addi	tional space is needed))
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Completed	d by: Victor Young	Date	July 12, 2018
	by:		-



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

RULES COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO:

Supervisor Ahsha Safai, Chair

Rules Committee

FROM:

Victor Young, Assistant Clerk 22

DATE:

July 16, 2018

SUBJECT:

COMMITTEE REPORT, BOARD MEETING

Tuesday, July 17, 2018

The following file should be presented as a **COMMITTEE REPORT** at the Board Meeting on Tuesday, July 17, 2018. This item was acted upon at the Rules Committee Meeting on Monday, July 16, 2018, at 10:00 a.m., by the votes indicated.

Item No. 31

File No. 180545

Charter Amendment - Privacy First Policy

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to adopt a Privacy First Policy; at an election to be held on November 6, 2018.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Ahsha Safai – Aye

Supervisor Norman Yee – Absent Supervisor Catherine Stefani – Aye

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy Director
Jon Givner, Deputy City Attorney

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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.

NOTE:

[Charter Amendment - Privacy First Policy]

Unchanged Charter text and uncodified text are in plain font.

Additions are <u>single-underline italics Times New Roman font</u>.

Deletions are <u>strike-through italics Times New Roman font</u>.

Asterisks (* * * *) indicate the omission of unchanged Charter subsections.

Section 1. The Board of Supervisors hereby submits to the qualified voters of the City and County, at an election to be held on November 6, 2018, a proposal to amend the Charter of the City and County of San Francisco by adding Section 16.130, to read as follows:

SEC. 16.130. PRIVACY FIRST POLICY.

- (a) The principles stated in subsection (e) of this Section 16.130 constitute the Privacy First Policy of the City and County of San Francisco ("City") and are intended to provide guidance to the City when considering the adoption of privacy-protective laws, regulations, policies, and practices for the City; the City's contractors, lessees, and grantees; third parties receiving permits, licenses, or other entitlements from the City; and persons (including businesses and other entities) within the regulatory authority of the City.
- (b) All parts of City government, including but not limited to boards, commissions, departments, other bodies, and officials, are authorized to implement any or all of these principles consistent with other provisions of the Charter, including this Section 16.130, and City law.
- (c) Notwithstanding subsection (b), and notwithstanding any other provision of the Charter, the Board of Supervisors shall have authority by ordinance to implement these

principles as it deems appropriate. This authority includes imposing requirements that implement any or all of these principles on any or all City boards, commissions, departments, other entities, and officials, and on any or all contractors, lessees, grantees, third parties receiving permits, licenses, or other entitlements, or others, within the jurisdiction of said boards, commissions, departments, other entities, and officials.

- (d) For purposes of the Privacy First Policy, "Personal Information" means any information that identifies, relates to, describes, or is capable of being associated with, a particular individual. Personal Information includes, but is not limited to, an individual's name, signature, social security number, physical characteristics or description, address, geolocation data, IP address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, genetic and biometric data, or health insurance information.
- (e) When considering the adoption of privacy-protective laws, regulations, policies, and practices, the City shall:
- (1) Engage with and inform individuals and communities likely to be impacted by the collection, storage, sharing, or use of their Personal Information prior to authorizing and prior to any change regarding the collection, storage, sharing, or use of their Personal Information.
- (2) Ensure that Personal Information is only collected, stored, shared, or used pursuant to a lawful and authorized purpose.
- (3) Allow individuals to access Personal Information about themselves that has been collected, and provide access and tools to correct any inaccurate Personal Information.

(f) In furtherance of the Privacy First Policy, the City Administrator, by May 31, 2019,
shall propose for consideration by the Board of Supervisors an ordinance establishing criteria
and rules that the City shall adhere to (1) in the City's own practices for the collection, storage,
sharing, and use of Personal Information; (2) when entering into contracts, grants, or leases
with third parties that are, or may in the future be, in a position to collect, store, share, or use
Personal Information in connection with or generated by the contract, grant, or lease; and (3)
when issuing permits, licenses, or other entitlements that involve, or may in the future involve,
collection, storage, sharing, or use of Personal Information in connection with or generated by
the permit, license, or other entitlement. The proposed ordinance may also address criteria and
rules regarding collection, storage, sharing, and use of Personal Information by persons
(including businesses and other entities) within the City's regulatory authority. This subsection
(f) shall not be construed to restrict the authority of the Board of Supervisors at any time to
adopt an ordinance concerning the subjects that are or could be addressed by the City
Administrator in the proposed ordinance.

(g) No less frequently than every three years following the submission under subsection

(f) of the City Administrator's proposed ordinance, the City Administrator shall provide to the

Board of Supervisors and the Mayor a written report describing the City's implementation of the

Privacy First Policy; describing new dimensions of collecting, storing, sharing, and using

Personal Information that may present a threat to privacy; and making such recommendations

as the City Administrator deems appropriate, including but not limited to recommendations to

adopt or amend ordinances regarding the collection, storage, sharing, or use of Personal

Information.

(h) The principles in subsection (e) underlying the Privacy First Policy are not binding or self-executing but rather are intended as a guide to City boards, commissions, departments,

other bodies, and officials, and to the Board of Supervisors, when considering the adoption of privacy-protective laws, regulations, policies, and practices.

- (i) The Privacy First Policy may not be implemented in a manner that is inconsistent with voter-approved ordinances regarding privacy, open meetings, or public records.

 Notwithstanding any other provision of the Charter, the Board of Supervisors is authorized by ordinance to amend voter-approved ordinances regarding privacy, open meetings, or public records, provided that any such amendment is not inconsistent with the purpose or intent of the voter-approved ordinance.
- (j) The Privacy First Policy is not intended in any manner to limit the power of the City to protect privacy by adopting laws, regulations, policies, and practices within the City's power, whether specified or not specified in this Section 16.130.
- (k) This Section 16.130 shall not apply to the extent, if any, its application is preempted by federal or state law.

APPROVED AS TO FORM: DENNIS J. HERRERA, City Attorney

By:

PAUL ZAREFSKY
Deputy City Attorney

o Deputy City Millione

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REVISED LEGISLATIVE DIGEST

(7/9/2018, Amended in Committee)

[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

While federal, state, and City law provide some protections for privacy in the collection, storage, sharing, and use of Personal Information, there is no overarching set of privacy-protective principles in City law.

Amendments to Current Law

The Charter amendment establishes a Privacy First Policy to provide guidance to the City when considering the adoption of privacy-protective laws, regulations, policies, and practices for the City; the City's contractors, lessees, and grantees; third parties receiving permits, licenses, or other entitlements from the City; and persons (including businesses and other entities) within the regulatory authority of the City.

These principles constitute the Privacy First Policy:

- 1. Engage with and inform those likely to be impacted by the collection, storage, sharing, or use of their Personal Information prior to authorizing and prior to any change regarding the collection, storage, sharing, or use of their Personal Information.
- 2. Ensure that Personal Information that is collected, stored, shared, or used is done so pursuant to a lawful and authorized purpose.
- 3. Allow individuals to access Personal Information about themselves that has been collected, and provide access and tools to correct any inaccurate Personal Information.
- 4. Solicit informed consent to the collection, storage, sharing, or use of Personal Information, and provide alternative and equal access to goods and services for those who deny or revoke consent.
- 5. Discourage the collection, storage, sharing, or use of Personal Information, including potentially sensitive demographic information, unless necessary to accomplish a lawful, authorized purpose.

- 6. De-identify data sets, when collected for research and other analytical purposes, to remove the ability to connect personal characteristics with specific individuals, and implement technical safeguards to prevent re-identification of information.
- 7. Adopt and make public or cause to be made public policies and practices to respond to requests or demands for Personal Information from governmental entities.
- 8. Allow individuals to move and organize in the City without being tracked or located in a manner that subjects them to unconsented collection of their Personal Information.
- 9. Evaluate, anticipate, and mitigate actual or potential bias or inaccuracy in the collection, storage, sharing, or use of Personal Information.
- 10. Retain Personal Information for only as long as necessary to accomplish a lawful and authorized purpose.
- 11. Secure Personal Information against unauthorized or unlawful processing or disclosure; unwarranted access, manipulation or misuse; and accidental loss, destruction, or damage.

For purposes of the Privacy First Policy, Personal Information is "any information that identifies, relates to, describes, or is capable of being associated with, a particular individual. Personal Information includes, but is not limited to, an individual's name, signature, social security number, physical characteristics or description, address, geolocation data, IP address, telephone number, passport number, driver's license or state identification card number, insurance policy number, education, employment, employment history, bank account number, credit card number, debit card number, or any other financial information, medical information, genetic and biometric data, or health insurance information."

The Charter amendment authorizes all parts of City government (such as boards, commissions, departments, other entities, and officials) to implement the Privacy First Policy. It further authorizes the Board of Supervisors to impose requirements implementing the Privacy First Policy on all parts of City government.

The Privacy First Policy is not in itself binding or self-executing. But the Charter amendment requires the City Administrator, by May 29, 2019, to propose an ordinance establishing criteria and rules to implement the Privacy First Policy. The City Administrator's proposed ordinance would neither limit the legislative authority of the Board of Supervisors nor require the Board to adopt legislation. The Charter amendment also requires the City Administrator, no less frequently than every three years following submission of the proposed ordinance, to submit a report describing the City's implementation of the Privacy First Policy and new dimensions of collecting, storing, sharing, and using Personal Information that may present a threat to

privacy, and making recommendations as appropriate, including regarding adoption or amendment of ordinances in furtherance of the Privacy First Policy.

The Charter amendment may not be implemented in a manner that is inconsistent with voter-approved ordinances regarding privacy, open meetings, or public records. It permits the Board of Supervisors by ordinance to amend such voter-approved ordinances if such amendment is not inconsistent with the purpose or intent of the voter-approved ordinances.

The Charter amendment does not apply to the extent, if any, its application would be preempted by federal or state law.

Background Information

This Legislative Digest accompanies the Second Draft of the Charter amendment, as presented in committee on July 9, 2018.

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OFFICE OF THE CONTROLLER

CITY AND COUNTY OF SAN FRANCISCO-

Ben Rosenfield Controller Todd Rydstrom Deputy Controller

July 16, 2018

Ms. Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place Room 244
San Francisco, CA 94102-4689

RE: File 180545 - Charter amendment creating a Privacy First Policy

Dear Ms. Calvillo,

Should the proposed charter amendment be approved by the voters, in my opinion, it would have a minimal to moderate impact on the cost of government, depending on the practices used to implement aspects of the privacy policies described in the amendment.

The proposed amendment establishes a Privacy First Policy to provide guidance to the City when considering the adoption of privacy-protective laws, regulations, policies, and practices, including 11 principles which constitute the policy. The amendment may not be implemented in a manner that is inconsistent with voter-approved ordinances regarding privacy, open meetings, or public records.

By May 31, 2019, the City Administrator would propose an ordinance establishing criteria and rules for the collection, storage, sharing, and use of personal information for City practices, including when entering into contracts with third parties and when issuing permits, licenses, and other entitlements. The cost to implement the proposed charter amendment is dependent on decisions that the Board of Supervisors make through the legislative process to enact a Privacy First Policy ordinance.

Sincerely,

Controller

Note: This analysis reflects our understanding of the proposal as of the date shown. At times further information is provided to us which may result in revisions being made to this analysis before the final Controller's statement appears in the Voter Information



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

May 30, 2018

File No. 180545

Lisa Gibson Environmental Review Officer Planning Department 1650 Mission Street, Suite 400 San Francisco, CA 94103

Dear Ms. Gibson:

On May 22, 2018, Supervisor Peskin introduced legislation for the following proposed Charter Amendment for the November 6, 2018, Election:

File No. 180545

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to adopt a Privacy First Policy; at an election to be held on November 6, 2018.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Alisa Somera, Legislative Deputy Director

Rules Committee

Attachment

c: Joy Navarrete, Environmental Planner Laura Lynch, Environmental Planner

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org, c=US
Date: 2018.06.01 14:18:44 -07'00'



City Hall
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Fax No. 554-5163
TDD/TTY No. 554-5227

July 10, 2018

File No. 180545-2

Lisa Gibson Environmental Review Officer Planning Department 1650 Mission Street, Suite 400 San Francisco, CA 94103

Dear Ms. Gibson:

On July 9, 2018, Supervisor Peskin amended legislation for the following proposed Charter Amendment for the November 6, 2018, Election:

File No. 180545-2

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to adopt a Privacy First Policy; at an election to be held on November 6, 2018.

This amended legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

for By: Alisa Somera, Legislative Deputy Director

Rules Committee

Attachment

c: Joy Navarrete, Environmental Planner Laura Lynch, Environmental Planner



City Hall
Dr. Carlton B. Goodlett Place, Room 244
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Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO:

Ben Rosenfield, City Controller, Office of the Controller

FROM:

J.

Alisa Somera, Legislative Deputy Director, Rules Committee

Board of Supervisors

DATE:

July 10, 2018

SUBJECT:

AMENDED CHARTER AMENDMENT

November 6, 2018 Election

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the November 6, 2018, Election, amended by Supervisor Peskin on July 9, 2018. This matter is being referred to you in accordance with Rules of Order 2.22.4.

File No. 180545-2

Charter Amendment (Second Draft) to amend the Charter of the City and County of San Francisco to adopt a Privacy First Policy; at an election to be held on November 6, 2018.

Please review and prepare a financial analysis of the amended measure prior to the first Rules Committee hearing.

If you have any questions or concerns, please call me at (415) 554-7711 or email: alisa.somera@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Todd Rydstrom, Deputy City Controller Peg Stevenson, City Performance Director Natasha Mihal, City Services Auditor



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MEMORANDUM

TO:

Andres Power, Liaison to the Board of Supervisors, Mayor's Office

Jon Givner, Deputy City Attorney, Office of the City Attorney

John Arntz, Director, Department of Elections

LeeAnn Pelham, Executive Director, Ethics Commission

Naomi Kelly, City Administrator, Office of the City Administrator Linda Gerull, Executive Director/CIO, Department of Technology

Barbara A. Garcia, Director, Department of Public Health

William Scott, Police Chief, Police Department Vicki Hennessy, Sheriff, Sheriff's Department Joanne Hayes-White, Chief, Fire Department

FROM:

Ko

Alisa Somera, Legislative Deputy Director, Rules Committee

Board of Supervisors

DATE:

July 10, 2018

SUBJECT:

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November 6, 2018 Election

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File No. 180545-2

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Please review and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns, please call me at (415) 554-7711 or email: <u>alisa.somera@sfgov.org</u>. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Shahde Tavakoli, Mayor's Office
Patrick Ford, Ethics Commission
Lynn Khaw, Office of the City Administrator
Lihmeei Leu, Office of the City Administrator
Greg Wagner, Department of Public Health
Naveena Bobba, Department of Public Health
Sneha Patil, Department of Public Health
Rowena Carr, Police Department
Asja Steeves, Police Department
Theodore Toet, Sheriff's Department
Katherine Gorwood, Sheriff's Department
Nancy Crowley, Sheriff's Department
Kelly Alves, Fire Department



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May 30, 2018

File No. 180545

Lisa Gibson Environmental Review Officer Planning Department 1650 Mission Street, Suite 400 San Francisco, CA 94103

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This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

 $\int_{OV}^{!}$ By: Alisa Somera, Legislative Deputy Director

Rules Committee

Attachment

c: Joy Navarrete, Environmental Planner Laura Lynch, Environmental Planner



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San Francisco 94102-4689
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MEMORANDUM

TO:

Ben Rosenfield, City Controller, Office of the Controller

FROM: 🎵

Alisa Somera, Legislative Deputy Director, Rules Committee

Board of Supervisors

DATE:

May 30, 2018

SUBJECT:

CHARTER AMENDMENT INTRODUCED

November 6, 2018 Election

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c: Todd Rydstrom, Deputy City Controller Peg Stevenson, City Performance Director



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MEMORANDUM

TO:

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Barbara A. Garcia, Director, Department of Public Health

William Scott, Police Chief, Police Department Vicki Hennessy, Sheriff, Sheriff's Department Joanne Hayes-White, Chief, Fire Department

FROM:

Alisa Somera, Legislative Deputy Director, Rules Committee Board of Supervisors

DATE:

May 30, 2018

SUBJECT:

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November 6, 2018 Election

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Please review and submit any reports or comments you wish to be included with the legislative file.

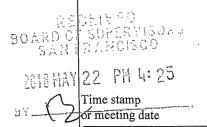
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c: Shahde Tavakoli, Mayor's Office
Kyle Kundert, Ethics Commission
Lynn Khaw, Office of the City Administrator
Lihmeei Leu, Office of the City Administrator
David German, Department of Technology
Greg Wagner, Department of Public Health
Naveena Bobba, Department of Public Health
Sneha Patil, Department of Public Health
Rowena Carr, Police Department
Asja Steeves, Police Department
Theodore Toet, Sheriff's Department
Katherine Gorwood, Sheriff's Department
Nancy Crowley, Sheriff's Department
Kelly Alves, Fire Department

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor



I hereby submit the following item for introduction (select only one): 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment). 2. Request for next printed agenda Without Reference to Committee. 3. Request for hearing on a subject matter at Committee. 4. Request for letter beginning: "Supervisor inquiries" 5. City Attorney Request. 6. Call File No. from Committee. 7. Budget Analyst request (attached written motion). 8. Substitute Legislation File No. 9. Reactivate File No. 10. Question(s) submitted for Mayoral Appearance before the BOS on lease check the appropriate boxes. The proposed legislation should be forwarded to the following: Small Business Commission ☐ Youth Commission Ethics Commission Planning Commission Building Inspection Commission Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form. Sponsor(s): Peskin; Yee, Ronen, Kim, Sheehy, Fewer Subject: [Charter Amendment – Privacy First Policy] The text is listed: 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. Signature of Sponsoring Supervisor:

For Clerk's Use Only