

[Administrative Code - Surveillance Technology Policy - Department of Elections' Use of Social Media Monitoring Technology]

Ordinance approving the Surveillance Technology Policy for the Department of Elections' use of social media monitoring technology.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in single-underline italics Times New Roman font.
Deletions to Codes are in ~~strikethrough italics Times New Roman font~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Background.

(a) Terms used in this ordinance have the meaning set forth in Administrative Code Chapter 19B ("Chapter 19B").

(b) Chapter 19B regulates Departments' acquisition and use of Surveillance Technology. Under Section 19B.2(a), Departments must obtain Board of Supervisors approval by ordinance of a Surveillance Technology Policy before: (1) seeking funds for Surveillance Technology; (2) acquiring or borrowing new Surveillance Technology; (3) using new or existing Surveillance Technology for a purpose, in a manner, or in a location not specified in a Surveillance Technology ordinance; (4) entering into agreement with a non-City entity to acquire, share, or otherwise use Surveillance Technology; or (5) entering into an oral or written agreement under which a non-City entity or individual regularly provides the department with data or information acquired through the entity's use of Surveillance Technology.

1 (c) Under Section 19B.2(b), the Board of Supervisors may approve a Surveillance
2 Technology Policy ordinance under Section 19B.2(a) only if: (1) the department seeking
3 Board of Supervisors approval first submits to the Committee on Information Technology
4 (“COIT”) a Surveillance Impact Report for the Surveillance Technology to be acquired or used;
5 (2) based on the Surveillance Impact Report, COIT develops a Surveillance Technology
6 Policy for the Surveillance Technology to be acquired or used by the department; and (3) at a
7 public meeting at which COIT considers the Surveillance Technology Policy, COIT
8 recommends that the Board of Supervisors adopt, adopt with modifications, or decline to
9 adopt the Surveillance Technology Policy for the Surveillance Technology to be acquired or
10 used.

11 (d) Under Section 19B.4, the City policy is that the Board of Supervisors will approve a
12 Surveillance Technology Policy ordinance only if it determines that the benefits that the
13 Surveillance Technology Policy ordinance authorizes outweigh its costs, that the Surveillance
14 Technology Policy ordinance will safeguard civil liberties and civil rights, and that the uses and
15 deployments of the Surveillance Technology under the ordinance will not be based upon
16 discriminatory or viewpoint-based factors or have a disparate impact on any community or
17 Protected Class.

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19 Section 2. Surveillance Technology Policy Ordinance for Department of Elections
20 (“Elections”) Use of Social Media Monitoring Technology.

21 (a) Purpose. Elections seeks Board of Supervisors approval under Section 19B.2(a)
22 to use social media monitoring technology to (1) plan and execute more effective and
23 strategic campaigns across social media platforms; (2) schedule multiple social media posts
24 in advance; (3) create and monitor multiple streams of content across various social media
25 platforms; (4) maintain an active social media presence that is automated, specifically on days

1 when staff are not working; (5) ensure consistency of messaging across all social media
2 platforms; (6) respond to questions and comments from members of the public; (7) track
3 social media post performance and analyze social media trends to improve content and
4 strategy and optimize use of department resources; and (8) create reports.

5 (b) Surveillance Impact Report. Elections submitted to COIT a Surveillance Impact
6 Report for social media monitoring technology. A copy of this Surveillance Impact Report is
7 on file with the Clerk of the Board of Supervisors in Board File No. 230783.

8 (c) Public Hearings. On March 23, 2023 and April 20, 2023, COIT and its Privacy and
9 Surveillance Advisory Board conducted two public hearings at which they considered the
10 Surveillance Impact Report referenced in subsection (b) and developed a Surveillance
11 Technology Policy for Elections' use of social media monitoring technology. A copy of this
12 Surveillance Technology Policy ("REG Social Media Monitoring Sys – Sur Tech Policy
13 041123") is on file with the Clerk of the Board of Supervisors in Board File No. 230783.

14 (d) COIT Recommendation. On April 20, 2023, COIT voted to recommend that the
15 Board of Supervisors adopt Elections' Surveillance Technology Policy, referenced in
16 subsection (c), for the use of social media monitoring technology.

17 (e) Findings. The Board of Supervisors hereby finds that the stated benefits of
18 Elections' use of social media monitoring technology outweigh the costs and risks of use of
19 such Surveillance Technology; Elections' Surveillance Technology Policy for the use of social
20 media monitoring technology will safeguard civil liberties and civil rights; and the uses and
21 deployments of social media monitoring technology, as set forth in Elections' Surveillance
22 Technology Policy, are not and will not be based upon discriminatory or viewpoint-based
23 factors or have a disparate impact on any community or a Protected Class.

1 Section 3. Approval of Policy. The Board of Supervisors hereby approves Elections'
2 Surveillance Technology Policy for the use of social media monitoring technology.

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4 Section 4. Effective Date. This ordinance shall become effective 30 days after
5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
7 of Supervisors overrides the Mayor's veto of the ordinance.

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10 APPROVED AS TO FORM:
11 DAVID CHIU, City Attorney

12 By: /s/ Bradley A. Russi
13 BRADLEY A. RUSSI
14 Deputy City Attorney

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