

1 [Administrative Code - Surveillance Technology Policy - Driver-Safety Video Analytics]

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3 **Ordinance approving a Surveillance Technology Policy for San Francisco Municipal**
4 **Transportation Agency (SFMTA) use of Driver-Safety Video Analytics.**

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

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

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12 Section 1. Background.

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14 (a) Administrative Code Chapter 19(B) establishes requirements that City departments
15 must follow before they may use or acquire new Surveillance Technology. Under
16 Administrative Code Section 19B.2(a), a City department must obtain Board of Supervisors
17 approval by ordinance of a Surveillance Technology Policy before: (1) seeking funds for
18 Surveillance Technology; (2) acquiring or borrowing new Surveillance Technology; (3) using
19 new or existing Surveillance Technology for a purpose, in a manner, or in a location not
20 specified in a Board-approved Surveillance Technology ordinance; (4) entering into
21 agreement with a non-City entity to acquire, share, or otherwise use Surveillance Technology;
22 or (5) entering into an oral or written agreement under which a non-City entity or individual
23 regularly provides the department with data or information acquired through the entity's use of
24 Surveillance Technology.

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25 (b) Under Administrative Code Section 19B.2(b), the Board of Supervisors may
approve a Surveillance Technology Policy ordinance under Section 19B.2(a) only if: (1) the

1 department seeking Board approval first submits to the Committee on Information Technology
2 (COIT) a Surveillance Impact Report for the Surveillance Technology to be acquired or used;
3 (2) based on the Surveillance Impact Report, COIT develops a Surveillance Technology
4 Policy for the Surveillance Technology to be acquired or used; and (3) at a public meeting at
5 which COIT considers the Surveillance Technology Policy, COIT recommends that the Board
6 adopt, adopt with modification, or decline to adopt the Surveillance Technology Policy for the
7 Surveillance Technology to be acquired or used.

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

15 Section 2. Surveillance Technology Policy Ordinance for SFMTA Use of Driver-Safety
16 Video Analytics.

17 (a) Purpose. The San Francisco Municipal Transportation Agency (“SFMTA” or “the
18 Department”) seeks Board of Supervisors authorization under Section 19B.2(a) to use Driver-
19 Safety Video Analytics software owned, leased, managed, or operated by the SFMTA as
20 follows: (1) To identify collision dynamics, causation, and other factors; (2) To investigate
21 passenger fall events and explore potential safety improvements; (3) To identify infrastructure
22 (including but not limited to damaged or vandalized bus stop shelters, downed or hazardous
23 trees, etc.) and signage issues (including but not limited to signs obscured by graffiti or by a
24 low hanging or overgrown tree or shrub, etc.) as they relate to SFMTA transit service and
25 safety; (4) To review customer complaints and look for potential ways to improve safety and

1 service in response to complaints; (5) To identify driver training issues, misconduct, or
2 negligence; and (6) To commend drivers who demonstrate outstanding defensive driving
3 skills.

4 (b) Surveillance Impact Report. The Department submitted to COIT a Surveillance
5 Impact Report for Driver-Safety Video Analytics. A copy of the Department’s Surveillance
6 Impact Report for Driver-Safety Video Analytics is in Board File No. 231145, and is
7 incorporated herein by reference.

8 (c) Public Hearings. Between January 27, 2023, and February 24, 2023, inclusive,
9 COIT and its Privacy and Surveillance Advisory Board (PSAB) conducted two public hearings
10 at which they considered the Surveillance Impact Report referenced in subsection (b) and
11 developed a Surveillance Technology Policy for Department’s use of Driver-Safety Video
12 Analytics. A copy of the Surveillance Technology Policy for the SFMTA’s use of the Driver-
13 Safety Video Analytics (“SFMTA Driver-Safety Video Analytics Policy”) is in Board File No.
14 231145, and is incorporated herein by reference.

15 (d) COIT Recommendation. On April 20, 2023, COIT voted to recommend the
16 SFMTA’s Driver-Safety Video Analytics Policy to the Board of Supervisors for approval.

17 (e) Findings. The Board of Supervisors hereby finds that the stated benefits of the
18 Department’s use of Driver-Safety Video Analytics outweigh the costs and risks of use of such
19 Surveillance Technology; that the SFMTA’s Driver-Safety Video Analytics Policy will
20 safeguard civil liberties and civil rights; and that the uses and deployments of Driver-Safety
21 Video Analytics, as set forth in the SFMTA’s Driver-Safety Video Analytics Policy, will not be
22 based upon discriminatory or viewpoint-based factors or have a disparate impact on any
23 community or a protected class.

24 Section 3. Approval of Policy.
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1 The Board of Supervisors hereby approves the SFMTA’s Driver-Safety Video Analytics
2 Policy.

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

11 By: /s/
12 ISIDRO ALARCON JIMENEZ
13 Deputy City Attorney

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