

REVISED LEGISLATIVE DIGEST

(5/14/2019, Amended in Board)

[Administrative Code - Acquisition of Surveillance Technology]

Ordinance amending the Administrative Code to require that City departments acquiring Surveillance Technology, or entering into agreements to receive information from non-City owned Surveillance Technology, submit a Board of Supervisors approved Surveillance Technology Policy Ordinance, based on a policy or policies developed by the Committee on Information Technology (COIT), and a Surveillance Impact Report to the Board in connection with any request to appropriate funds for the purchase of such technology or to accept and expend grant funds for such purpose, or otherwise to procure Surveillance Technology equipment or services; require each City department that owns and operates existing surveillance technology equipment or services to submit to the Board a proposed Surveillance Technology Policy Ordinance governing the use of the surveillance technology; and requiring the Controller, as City Services Auditor, to audit annually the use of surveillance technology equipment or services and the conformity of such use with an approved Surveillance Technology Policy Ordinance and provide an audit report to the Board of Supervisors.

Existing Law

Existing law requires any department, board or commission that seeks to accept and expend grant funds in excess of \$100,000 to request Board of Supervisors' approval. Existing law requires any department, board or commission that seeks to accept and expend grant funds less than \$100,000 to comply with rules prescribed by the Controller for the acceptance and expenditure of grant funds.

Existing law requires that any department, board or commission that seeks to purchase commodities and services comply with the Purchaser's rules and regulations set forth in Chapter 21 of the Administrative Code.

Existing law requires that the Controller audit the accounts of all boards, officers and employees and the account of all moneys coming into the hands of the Treasurer. Existing law authorizes the Controller to audit the effectiveness and efficiency of all boards, commissions, officers and departments.

Amendments to Current Law

This ordinance would require Departments (defined to exclude the District Attorney and Sheriff while performing investigative or prosecutorial functions) seeking to acquire Surveillance Technology or services, or to enter into agreements to receive information

gathered by non-City entities from Surveillance Technology, to submit to the Committee on Information Technology (COIT), a Surveillance Impact Report. This ordinance would require COIT to develop a Surveillance Technology Policy. This ordinance would prohibit Departments' acquisition and use of Surveillance Technology services or equipment unless the Board of Supervisors had approved a Surveillance Technology Policy ordinance for the use of services or equipment, following COIT's development of a policy and recommendation. This ordinance would require departments seeking to acquire Surveillance Technology or services to submit with any funding request a Surveillance Technology Policy ordinance, approved by the Board of Supervisors. It also would require that Departments prepare an Annual Surveillance Report that describes how the technology was used. This ordinance would allow Departments possessing or using Surveillance Technology to continue to use the Surveillance Technology, and share information from the Surveillance Technology, until the Board enacted a Surveillance Technology Policy ordinance, following COIT's development of a policy and recommendation.

This ordinance would not apply to a Department's use of Surveillance Technology (except Face Recognition Technology) to conduct internal investigations involving City employees, contractors, or volunteers, or to the City Attorney when used in civil or administrative proceedings.

This ordinance would prohibit departments' use of Face Recognition Technology, except at federally regulated facilities at the Airport or Port.

The ordinance also would require the Controller to audit annually the use of Surveillance Technology, including a review of whether a Department has and is operating in compliance with a Surveillance Technology Policy ordinance and completed an Annual Surveillance Report. The ordinance also would require that the Controller's audit include a review of the costs of the Surveillance Technology and services. Finally, the ordinance would require that the Controller, in consultation with the City Attorney, recommend any changes to any Surveillance Technology Policy ordinance and its implementation to the Board of Supervisors.

Background Information

This ordinance reflects amendments made at the May 6, 2019 meeting of the Rules Committee and at the May 14, 2019 meeting of the Board of Supervisors.