

REVISED LEGISLATIVE DIGEST
(Amended in Board, 12/10/2019)

[Administrative Code – Acquisition, Retention, and Use of Surveillance Technology]

Ordinance amending Chapter 19B of the Administrative Code, governing the City’s acquisition, retention, and use of Surveillance Technology, to allow the acquisition and retention of Face Recognition Technology under certain conditions; to preclude legal relief for alleged violations of Chapter 19B that the City timely cured following notice; and to authorize the City Administrator to adopt implementing standards to guide departments in compliance with Chapter 19B’s restrictions on the acquisition, retention, and use of Surveillance Technology.

Existing Law

Administrative Code Chapter 19B regulates the City’s acquisition, retention, and use of Surveillance Technology, bans the acquisition, retention and use of Face Recognition Technology (“FRT”) with some exceptions, and provides that anyone injured by a violation of Chapter 19B may institute proceedings for injunctive relief, declaratory relief, or writ of mandate to remedy the violation.

Amendments to Current Law

This ordinance would amend the ban on the acquisition, retention and use of FRT to apply to City-issued software or a City-issued product or device only. This ordinance would allow the retention of FRT if the FRT is a stock, manufacturer-installed capability bundled with software, or stored on a product, necessary to perform essential City functions, the FRT wasn’t acquired to perform the function, and the FRT function can’t be deleted and isn’t used. This ordinance also would allow acquisition of FRT if the software or product with FRT is necessary to perform essential City functions and is unavailable without the FRT function. Finally, this ordinance would preclude legal relief for violations of Chapter 19B that the City timely cured following notice.

Background

This ordinance reflects amendments made in the Rules Committee on November 18, 2019, including an amendment to the ban on the acquisition, retention and use of FRT to apply to City-issued software or a City-issued product or device only.