

San José Digital Privacy Advisory Taskforce Meeting Minutes

Thursday, March 3, 2022

10:00 – 11:00am

Remote (Zoom) - <https://zoom.us/j/94719114534?pwd=bmllK0lMS0VXMFU5TXp0RlV6OURlUT09>

Participants

1. Victor Sin, Chair of the Santa Clara Valley Chapter, ACLU of Northern California
2. Irina Raicu, Director, Internet Ethics, Markkula Center for Applied Ethics, Santa Clara University
3. Roxana Marachi, San José / Silicon Valley NAACP
4. Harvey Jang, Vice President and Chief Privacy Officer, Cisco Systems, Inc.
5. Edward Schroder, Deputy Chief of Police, San José Police Department
6. Judi Torrico, Deputy Director, Technical Services, San José Police Department
7. Marcelo Peredo, Chief Information Security Officer, City of San José
8. Albert Gehami, Digital Privacy Officer, City of San José

Outcomes

1. Taskforce reviewed update on City privacy implementation
2. Taskforce reviewed update on the Monterey & Curtner traffic safety project
3. Taskforce discussed proposed Data Usage Policy for Automated License Plate Readers, to be presented at the March 17, 2022 Public Safety, Finance and Strategic Support subcommittee meeting.

Action Minutes

- I. Introductions**
 - a. Albert Gehami, Digital Privacy Officer, City of San José, provided opening remarks and facilitated introductions.
- II. Update on Privacy Policy implementation**
 - a. Albert Gehami provided updates on how the City has embedded Privacy into upcoming City projects
- III. Update on Monterey & Curtner traffic safety project**
 - a. Albert Gehami shared updates on [Monterey & Curtner "Vision Zero"](#) – project using a variety of traffic safety measures to reduce fatal accidents in a high-risk intersection
 - i. Updated that Police will not be using 24/7 recording cameras at the intersection, only Automated License Plate Reader (ALPR) cameras, which take pictures as cars pass rather than record video
 - ii. Noted that Department of Transportation will still store video clips to inform future traffic prevention measures at the intersection
 - iii. Noted that the cameras for this project will be procured through an agreement with Flock Safety
- IV. Discussion on proposed Data Usage Policy (DUP) for Automated License Plate Readers (ALPR)**

- a. Victor Sin, Chair of Santa Clara Valley Chapter of ACLU Northern California, stated that the ACLU broadly opposes the deployment of ALPR
- b. Irina Raicu, Director of Internet Ethics for the Markkula Center for Applied Ethics at Santa Clara University remarked that ALPR should not be deployed before various elements of the use policy are clarified and changed
 - i. Specifically limiting the current language about authorized uses, about sharing with other agencies, about who can request audits, etc.
- c. Roxanna Marachi, member representing the San José / Silicon Valley NAACP, raised concerns about avoiding mistakes that terrorized innocent citizens in other cities, and about auditability
- d. Harvey Jang, Chief Privacy Officer of Cisco Systems, raised concerns about potential abuse from unintended disclosure of personal data once it's collected at scale
 - i. Disclosure via court orders, public records act requests, etc.
- e. Meeting ended with three takeaways:
 - i. Need to monitor the ongoing usage and effectiveness of the ALPR program
 - 1. Taskforce and Police representatives aligned that San José should maximize public transparency in its usage of ALPR, including making available data on how, where, and when ALPR is being used
 - 2. Taskforce agreed that while the exact method to measure effectiveness varies, the City should collect the data necessary to evaluate varying types of “effectiveness” once enough data has been collected
 - a. Examples of effectiveness could be:
 - i. Crimes prevented due to the presence of ALPR
 - ii. Investigations resolved in part due to ALPR
 - 3. Taskforce agreed that the ALPR system should have an auditable trail of usage, including who used the system, when it was used, and what information users queried (e.g., searched)
 - ii. Need to understand what data is susceptible to public discovery via Public Records Act requests and other records request methods
 - 1. Taskforce recommended Police and Digital Privacy Office discuss with the City’s legal team
 - iii. Need to edit language in the Data Usage Policy (DUP)
 - 1. Taskforce and Police discussed key elements of the DUP, including authorized ALPR uses and data sharing
 - 2. Digital Privacy Office to clarify intent in DUP before draft release in item (d)4 of the March 17, 2022 Public Safety, Finance, and Strategic Support (PSFSS) committee meeting.

V. Next Steps

- a. Next Digital Privacy Advisory Task Force meeting will focus on updates to the ALPR Data Usage Policy, and further efforts for general surveillance regulation. It will be scheduled for late Spring 2022 or early Summer 2022

The Taskforce meeting adjourned at 11:00am

Links referenced in meeting:

[Rantoul: Flock ALPR System Not Searchable for Efficacy // CheckCu](#) // 1/17/22

[Flock Safety ALPR in Rantoul Captured Less than .5% of Passing Vehicles](#) // 11/17/21

[Cops Terrorize Black Family but Blame License Plate Reader for Misidentifying 'Stolen' Vehicle/ Gizmodo](#)
// 8/4/20

[Fast-Growing Company Flock is Building a New AI-Driven Mass-Surveillance System // ACLU.org](#) //
3/3/2022

[American Civil Liberties Union etc. v. Superior Court of California: Case on records requests for ALPR](#) //
8/31/2017

[Random chance is as much a factor in the reported “successes” as use of ALPR](#) // 11/30/2021