



Privacy Advisory Commission
March 7, 2019 5:00 PM
Oakland City Hall
Hearing Room 1
1 Frank H. Ogawa Plaza, 3rd Floor
Meeting Minutes

Commission Members: *District 1 Representative: Reem Suleiman, District 2 Representative: Chloe Brown, District 3 Representative: Brian M. Hofer, District 4 Representative: Lou Katz, District 5 Representative: Raymundo Jacquez III, District 6 Representative: Vacant, District 7 Representative: Robert Oliver, Council At-Large Representative: Vacant, Mayoral Representative: Heather Patterson*

Each person wishing to speak on items must fill out a speaker's card. Persons addressing the Privacy Advisory Commission shall state their names and the organization they are representing, if any.

1. 5:00pm: Call to Order, determination of quorum

Members present: Hofer, Suleiman, Katz, Jacquez, Oliver, and Patterson.

2. 5:05pm: Open Forum/Public Comment

There were no open forum speakers.

3. 5:10pm: Review and approval of the draft February 7 meeting minutes

The minutes were approved unanimously.

4. 5:15pm: UC Berkeley's Samuelson Law, Technology & Public Policy Clinic – presentation of draft Privacy Principles; review and take possible action.

Courtney Reed and Amisha Gandhi from the Samuelson Clinic presented the draft principals they have been developing. They described the process that was undertaken including interviewing staff from the Cities of Seattle, WA and Portland, OR to learn about their processes. They also met with key City staff including the Race and Equity Director, Chief Privacy Officer, and City Clerk staff members. They interviewed PAC Members and some outside organizations. They will continue to meet with more City departmental leadership in the coming month and return to the PAC later in the spring.

5. 5:30pm: Federal Task Force Transparency Ordinance – OPD – presentation of inaugural annual reports (FBI/JTTF, ATF, DEA, US Marshals task forces), review and take possible action.

Bruce Stoffmacher first presented the US Marshall Service (USMS) Report and discussed the importance of the relationship with the USMS to the City's successful Cease Fire Program. This program targets those involved in the most serious violent felonies and offers them services to help them change course. For those that continue to engage in violent activity, the consequences are more steep and can involve federal charges. The USMS has been critical in helping track down known suspects and bring them to justice when they flee out-of-state.

The PAC had some clarifying suggestions including adding more narrative language and clarity on the number of hours the OPD officer works with the Task Force. The report was approved for forwarding to the City Council.

Regarding the JTTF Report, Bruce Stoffmacher indicated that OPD wished to ask the FBI for more information but was not inclined to have to go through a Freedom of Information Act (FOIA) request as suggested by the FBI. He noted that this does not preclude the PAC from filing a FOIA request.

Two Public Speakers again noted their concern that OPD is not providing enough information and that their desire is focused on the work of the whole JTTF, not individual officers.

Bruce rearticulated the department's concern about releasing info that would potentially "out" the officer assigned to the task force since only one OPD officer is involved. Any reporting on violations by that individual would be obviously associated with them. This could put OPD in the position of making public something that could potentially be a confidential personnel matter.

PAC members expressed frustration that due to the stance of the FBI and OPD, the report does not provide any of the information they are interested in assessing. The item was tabled to the April meeting.

6. 5:45pm: Presentation by Electronic Frontier Foundation's Senior Investigative Researcher Dave Maas – use and risks of Automated License Plate Readers

Dave Maas provided a PowerPoint and discussed his extensive research on ALPRs, their use and limitations. The presentation discuss various data retention limits of different agencies and the concerns about how some agencies share data.

7. 6:00pm: Surveillance Equipment Ordinance – DOT – Automated License Plate Reader Anticipated Impact Report and draft Use Policy – review and take possible action.

The PAC began to discuss the Impact Assessment and Use Policy for the DOT ALPR program but time was limited so the item was tabled to a Special Meeting scheduled for Monday March 11th at 5pm.

8. 6:30pm: Surveillance Equipment Ordinance – OPD – Automated License Plate Reader Anticipated Impact Report and draft Use Policy – review and take possible action.

This item was tabled.

9. 6:50pm: Review of Old Business and take possible action
 - a. City Attorney opinion re applicability of SB 1160 (BART jammer bill) to cell-site simulator use
 - b. City Attorney opinion re applicability of SB 178 (CalECPA) to cell-site simulator use (PC 1546.2 notice provision)
 - c. JTTF MOU review
 - d. US Marshals, ATF, FBI – response to higher standards in joint task force operations MOU
 - e. City Attorney opinion re PC 832.7 and SB 1421 (Skinner) in context of federal transparency task force ordinance annual report (potential violations)

These items were tabled.

10. 7:00pm: Adjournment