



Privacy Advisory Commission
August 1, 2019 5:00 PM
Oakland City Hall
Hearing Room 1
1 Frank H. Ogawa Plaza, 1st 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: Gina Tomlinson, District 7 Representative: Robert Oliver, Council At-Large Representative: Henry Gage III, 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. Call to Order, determination of quorum

Members Present: Suleiman, Brown, Hofer, Katz, Tomlinson, Oliver, Gage, Patterson.

2. Open Forum/Public Comment

There were no Open Forum Speakers.

3. Review and approval of the draft July 8 special meeting minutes

The minutes were approved unanimously.

4. Guest Presentation by UC Davis Law Professor Elizabeth Joh – “Policing the Smart City”

Professor Joh provided an overview of her work and the emerging issue of Smart Cities and their potential impact on Privacy. As cities acquire more sensors to track things such as smart meters, traffic sensors, devices to monitor waste production, they essentially are expanding a city's capacity to surveille people. Also, this surveillance is far less visible as it is in a small sensor as opposed to a police vehicle monitoring an intersection.

As surveillance opportunities expand and become invisible, Cities have a responsibility to establish standards for these uses, including determining who has access to the data, how the data can be used, reused, and kept. This expansion is further complicated as these technologies will be implemented by both the public and private sector (for very different reasons) and with the private sector can have the ability to effect consumers en masse.

The PAC discussed preparing for this by building a framework to address these items now, in anticipation of this expansion. Ideas such as regulating private companies' collection of data, using licensing to regulate the collection, and reviewing data storage subscriptions for law enforcement agencies were all discussed as possible solutions.

This was an informational report and no action was taken.

5. Surveillance Equipment Ordinance – OPD – 2018 Annual Cell Site Simulator Report

Deputy Chief Roland Holmgren presented the annual report which indicated the cell site simulator was not used during the past year and the report was approved unanimously.

6. Surveillance Equipment Ordinance – OPD – StarChase GPS Impact Report and proposed Use Policy – review and take possible action.

Deputy Chief Roland Holmgren presented this new technology that OPD is considering that allows officers to deploy a small tracking device that sticks to a vehicle when a suspect flees so they can be pursued from a safe distance. These devices have the potential to dramatically reduce the tension and danger involved in pursuits which is a huge concern, especially in densely populated areas where suspects will often travel at excessive speeds and injure innocent bystanders. The device collects no Personally Identifiable Information and is only used in these limited instances of pursuit which narrows the potential civil liberties impact on the general public.

The PAC discussed several issues including: the length of a pursuit (hot versus cold), the cost of deployment, how to measure success (such as a reduction in pursuit related traffic accidents), the system capabilities, and data retention periods. A small ad hoc group committed to meeting with OPD to work on these details and bring the item back in September.

7. Surveillance Equipment Ordinance – OPD – Remote Camera Impact Report and proposed Use Policy – review and take possible action.

The PAC briefly discussed additions to the draft use policy including adding sections that mirror the DAC Allowable Use Section as a guide, adding language regarding plain clothes versus uniformed officers, and a better clarification as to when and why these devices would be used. The item will be brought back in September.