



Privacy Advisory Commission

October 6, 2022

5:00 PM

Teleconference

Meeting Minutes

Commission Members: *District 1 Representative: Reem Suleiman, District 2 Representative: Chloe Brown, District 3 Representative: Brian Hofer, Chair, District 4 Representative: Lou Katz, Vice Chair District 5 Representative: Omar De La Cruz, District 6 Representative: Gina Tomlinson, District 7 Representative: Robert Oliver, Council At-Large Representative: Henry Gage III Mayoral Representative: Jessica Leavitt*

1. Call to Order, determination of quorum

Members Present: Suleiman, Brown, Hofer, Katz, Brown, De La Cruz, Leavitt, Oliver

Tomlinson joined after Call to Order.

Absent: Gage

2. Adopt a Renewal Resolution regarding AB 361 establishing certain findings justifying the ongoing need for virtual meetings

This item was moved by Chair Hofer, second by Lou Katz and passed unanimously.

3. Review and approval of the draft July 7 meeting and July 12 special meeting minutes

A motion was made by Chair Hofer to adopt the minutes, second by Member Leavitt, member Suleiman abstained.

The minutes were adopted.

4. Open Forum/Public Comment

There were no speakers during open forum/public comment.

5. Bylaw Change regarding agendas and notice

- a. Review and take possible action

This item is formalizing a policy that Mr. DeVries initiated, and Vice Chair Katz added a bit more substance to Mr. DeVries' recommendation and the decision was made to incorporate into the PACs bylaws. The revised bylaws were in the agenda packet with the highlighted changes in yellow.

Chair Hofer asked for comments or suggestions from the PAC members and requested comments from the public, there were none.

Chair Hofer made a motion to approve the bylaws change and a second was made by Vice Chair Katz.

Roll call of the vote:

D1 – Yes

D2 - absent

D3 – Yes

D4 -Yes

D5 yes

D6 - Yes

D7 – Yes

At-large - absent

Mayoral appointee – yes

Item was adopted

6. Surveillance Equipment Ordinance – OPD – Automated License Plate Reader

- a. Review and take possible action on the impact statement and proposed use policy

Automated License Plate Reader discussion went to Public Safety Committee, and they kicked it back to the Privacy Advisory Commissions (PAC) to work on the policy. The PAC has not discussed the merits of the policy because when the items was first introduced is when the PAC started reviewing annual reports, audits and other things that need to be done. After reviewing these items and with direction from the PSC, the PAC will begin working on the policy. The PAC has the authority to meet and make recommendations and that was the direction of the PSC. ALPR was added to the council agenda, and it was unclear on how the process will move forward.

OPD's general order which was submitted to the PAC and Vice Chair Katz also worked on a version which was included in the agenda packet. Chair Hofer emailed a version of what Vice Chair Katz completed to refine the general order in certain areas and that's an item that Chair Hofer proposed. The Chair

indicated that the version he proposed, and Vice Chair Katz's were in close agreement there may be a few differences and that's what needed to be discussed.

Chair Hofer indicated that we have technology that can't be audited, we have not been tracking third party access adequately or in compliance with state law, we have not been getting efficacy data because they don't track it, specific uses are always an item we look at, retention might be an item we focus on the most. These are the provisions the Chair and Vice Chair both looked at and tried to make more privacy and civil liberties friendly and perhaps more accountability friendly.

DC Lindsay indicated that she appreciates the template of the policy, however, she thought OPD should have an opportunity to allow her subject matter experts to comment on the document. She also advised that the software was not updated to track the data.

The PAC engaged in a discussion of the policy with members of OPD.

As written with a few changes as discussed, including the 30 day data retention Chair Hofer moved that the policy is forward to the City Council with a recommendation that they adopt the PAC version. A second was made by Member Tomlinson.

Role call vote:

D1 – yes

D3 yes

D4 yes

D5 yes

D6 yes

D7 – yes

Mayor - yes

Item carried unanimously.

Mr. DeVries suggested that the PAC consider the technology upgrades that OPD requested. It's short paragraph in the impact statement that covers maintenance, security patches and auditing functions. Member Brown stated that if we were to fund this, is there a possibility that we would receive a report in a certain timeframe. Chair Hofer stated that the ordinance requires audits and broader language under state law that requires OPD to maintain the records of access. The upgrade will require them to comply with their obligation to produce the information in the annual report.

The chair made a motion to the Council that they approve the \$16k funding to allow auditing, maintenance upgrades and ensure that a vendor is selected that will comply with the city's ordinance requirements. Second by Member Oliver.

D1 – Yes

D2 – absent

D3 – yes

D4 – yes

D5 – yes

D6 – absent

D7 – yes

Mayor – yes

Motion passed.

Public Comment:

One person provided public comment.