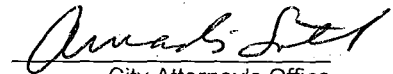


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2020 FEB 13 PM 4:49

OAKLAND CITY COUNCIL

88071

RESOLUTION NO. _____ C.M.S.

RESOLUTION ESTABLISHING AS CITY POLICY SEVEN PRIVACY PRINCIPALS TO ASSIST CITY DEPARTMENTS DEVELOP AND IMPLEMENT INTERNAL POLICIES THAT PROTECT THE PRIVACY OF ALL OAKLAND RESIDENTS, VISITORS, AND THE PUBLIC AS FOLLOWS: (1) TO DESIGN AND USE EQUITABLE PRIVACY PRACTICES; (2) TO LIMIT COLLECTION AND RETENTION OF PERSONAL INFORMATION; (3) TO MANAGE PERSONAL INFORMATION WITH DILIGENCE; (4) TO DISTRIBUTE PERSONAL INFORMATION WITH THIRD PARTIES ONLY WHEN NECESSARY AND CONSISTENT WITH THESE PRINCIPLES; (5) TO SAFEGUARD INDIVIDUAL PRIVACY IN PUBLIC RECORD DISCLOSURES; (6) TO BE TRANSPARENT AND OPEN; AND (7) TO BE ACCOUNTABLE TO OAKLAND RESIDENTS, VISITORS, AND MEMBERS OF THE PUBLIC

WHEREAS, Oakland is a diverse city with a history of active civic participation on issues of privacy and surveillance and as we evolve, it is imperative that we learn from both the positive and negative aspects of our past to build our future; and

WHEREAS, progress at the expense of personal privacy and safety is unacceptable. The City of Oakland (City) recognizes the need to protect the privacy of residents, visitors, and the public as city services incorporate emerging technologies; and

WHEREAS, Privacy is a fundamental human right, a California state right, and instrumental to for the safety, health, security, and access to City services for residents, visitors, and members of the public; and

WHEREAS, The City seeks to safeguard the privacy of every Oakland resident, visitor, and member of the public in order to promote fairness and protect civil liberties across all of Oakland's diverse communities; now, therefore, be it

RESOLVED: That in all situations, the City of Oakland (City) shall handle personal information in a manner that builds trust and preserves privacy and safety for residents, visitors, and members of the public. Accordingly, the City Council hereby establishes as City Policy seven (7) principals to assist the City, by and through its departments, agencies, bureaus and any subsequent subdivision thereof, to develop and implement internal policies to protect the privacy of all Oakland residents, visitors, and members of the public as follows:

- (1) That the City of Oakland Shall Design and Use Equitable Privacy Practices.** Recognizing that community safety and access to City services should not come at the expense of the right to privacy of residents, visitors, and members of the public. The City recognizes that collection and use of personal information has disadvantaged marginalized communities at different periods during Oakland's history. The City intends to avert future inequities by collecting information in ways that do not discriminate against any Oaklander or Oakland community. When possible, the City will offer clearly communicated alternatives to the collection of personal information at the time of collection; and
- (2) That the City Shall Limit Collection and Retention Of Personal Information.** The City will collect and store personal information only when and for as long as is justified to directly serve the specific purpose for which it is collected, such as to protect the safety, health, or access to city services for residents, visitors, and members of the public. The City will continue its practice of reaching out to the public for their input on its actions, the information it collects, and how it is used; and
- (3) That the City Shall Manage Personal Information With Diligence.** The personal information of residents, visitors, and members of the public should be treated with respect. The City handles all personal information in its custody with care, regardless of how or by whom it was collected. To maintain the security of its systems, the City reviews and regularly updates software and applications that interact with the personal information of residents, visitors, and members of the public. Further, the City recognizes that deletion, encryption, minimization, and anonymization can reduce misuse of personal information. The City intends to make use of these tools and practices. Additionally, the City combines personal information gathered from different departments only when necessary; and
- (4) That The City Shall Distribute Personal Information To Third Parties Only When Necessary To Provide City Services, And Only When Doing So Is Consistent With These Principles.** When the law permits, the City will disclose the identity of parties with whom it shares personal information; and
- (5) That The City Shall Safeguard Individual Privacy in Public Records Disclosures.** Open government and respect for privacy coexist. Providing relevant information to interested parties about City services and governance is essential to democratic participation and civic engagement. The City will protect individual privacy interests for residents, visitors, and members of the public and the City's information security interests while still meeting the fundamental objective of the California Public Records Act to encourage transparency; and
- (6) That The City Shall Be Transparent and Open.** The right to privacy for residents, visitors, and members of the public is advanced by the public's ability to access and understand explanations of why and how the City collects, uses, manages, and shares personal information. To that end, the City will communicate these explanations to residents, visitors, and members

of the public in plain, accessible language on the City of Oakland website and at times when it is relevant and useful; and

(7) That The City Shall be Accountable to Residents, Visitors, and Members Of The Public. Trust in the City's stewardship of personal information requires both that it collect and manage personal information appropriately, and that it create opportunities for active public participation. The City publicly reviews and discusses departmental requests to acquire and use technology that can be used for surveillance purposes. The City encourages the public to share concerns and views about any City system or department that collects and uses their personal information, or has the potential to do so. The City also encourages Oaklanders to share their views on its compliance with these Principles; and be it

FURTHER RESOLVED: That this resolution and any policies and procedures adopted by the City pursuant to said resolution, shall not impose liability on the City nor create a cause of action by a third party, and the City expressly does not now waive any legal rights, defenses, or statutory immunities provided by law.

IN COUNCIL, OAKLAND, CALIFORNIA,

MAR 03 2020

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, ~~WIND~~ AND PRESIDENT KAPLAN - 7


NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 (Theo)

ATTEST:


LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California