



**CITY OF OAKLAND**  
**Office of the City Administrator**

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## ***Memorandum***

**To:** Contracts and Compliance Division Staff Members

**From:** Joe DeVries, Chief Privacy Officer

**Re:** The Sanctuary City Contracting and Investment Ordinance

**Date:** October 7, 2019

Ordinance N.O. 13540 CMS was adopted by the Oakland City Council on June 4<sup>th</sup>, 2019 and prohibits the City from contracting with any person or entity that provides the United States Immigration and Customs Enforcement (ICE) services or goods for data collection or with the United States Customs and Border Protection (CBP) Customs and Border Protection (CBP), or the Department of Health and Human Services Office of Refugee Resettlement (HHS/ORR) to support immigration detention facilities. These contractors are not to be used unless the City Council makes a specific determination that no reasonable alternative exists. The ordinance also prohibits the City from investing in any of these companies and requires the City to include notice of these prohibitions in any Requests for Proposals (RFPs), Requests for Qualifications (RFQs), and any construction or other contracting bids. The ordinance also requires that the City provide an annual report to the Privacy Advisory Commission on its enforcement.

Because this ordinance was sponsored by the Privacy Advisory Commission and is specifically related to protecting the privacy of people's personal data, I will provide oversight of this ordinance as the Chief Privacy Officer for the City. The goal is to prevent anyone from applying for an RFP, RFQ, or other contract before they get too far in the process so it will be important to let potential contractors know about this requirement as early in the process as possible. In most instances that should be enough, however, in the circumstance that a contractor (and the City Department they would be working with) feels that they can argue successfully for a waiver, they can continue in the process and I would have the Privacy Advisory Commission review this claim to make a recommendation to the City Council.

Attached is a list of known businesses that already do business with ICE or CBP for these services that would be excluded under the law. As this list is updated periodically, I will share it with you but will also review any ongoing requests your office receives. If you have any questions about the ordinance, please do not hesitate to contact me at 510-238-3083 or [jdevries@oaklandca.gov](mailto:jdevries@oaklandca.gov)