



Privacy Advisory Commission

October 6, 2022

5:00 PM

Teleconference

Meeting Agenda

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*

Pursuant to California Government Code section 54953(e), Oakland Privacy Advisory Commission Board Members/Commissioners, as well as City staff, will participate via phone/video conference, and no physical teleconference locations are required.

TO OBSERVE:

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1) To comment by Zoom video conference, you will be prompted to use the “Raise Your Hand” button to request to speak when Public Comment is being taken on the eligible Agenda item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted.

2) To comment by phone, you will be prompted to “Raise Your Hand” by pressing “* 9” to request to speak when Public Comment is being taken on the eligible Agenda Item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted.

ADDITIONAL INSTRUCTIONS:

1) Instructions on how to join a meeting by video conference is available at: <https://support.zoom.us/hc/en-us/articles/201362193%20-%20Joining-a-Meeting#>

2) Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663%20Joining-a-meeting-by-phone>

3) Instructions on how to “Raise Your Hand” is available at: <https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-In-a-webinar>

Privacy Advisory Commission

October 6, 2022

5:00 PM

Teleconference

Meeting Agenda

1. Call to Order, determination of quorum
2. Adopt a Renewal Resolution regarding AB 361 establishing certain findings justifying the ongoing need for virtual meetings
3. Review and approval of the draft July 7 meeting and July 12 special meeting minutes
4. Open Forum/Public Comment
5. Bylaw Change regarding agendas and notice
 - a. Review and take possible action
6. Surveillance Equipment Ordinance – OPD – Automated License Plate Reader
 - a. Review and take possible action on the impact statement and proposed use policy

OAKLAND PRIVACY ADVISORY

COMMISSION RESOLUTION NO. 3

ADOPT A RESOLUTION DETERMINING THAT CONDUCTING IN-PERSON MEETINGS OF THE PRIVACY ADVISORY COMMISSION AND ITS COMMITTEES WOULD PRESENT IMMINENT RISKS TO ATTENDEES' HEALTH, AND ELECTING TO CONTINUE CONDUCTING MEETINGS USING TELECONFERENCING IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 54953(e), A PROVISION OF AB-361.

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a state of emergency related to COVID-19, pursuant to Government Code Section 8625, and such declaration has not been lifted or rescinded. *See* <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf>; and

WHEREAS, on March 9, 2020, the City Administrator in their capacity as the Director of the Emergency Operations Center (EOC), issued a proclamation of local emergency due to the spread of COVID-19 in Oakland, and on March 12, 2020, the City Council passed Resolution No. 88075 C.M.S. ratifying the proclamation of local emergency pursuant to Oakland Municipal Code (O.M.C.) section 8.50.050(C); and

WHEREAS, City Council Resolution No. 88075 remains in full force and effect to date; and

WHEREAS, the Centers for Disease Control (CDC) recommends physical distancing of at least six (6) feet whenever possible, avoiding crowds, and avoiding spaces that do not offer fresh air from the outdoors, particularly for people who are not fully vaccinated or who are at higher risk of getting very sick from COVID-19. *See* <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

WHEREAS, the CDC recommends that people who live with unvaccinated people avoid activities that make physical distancing hard. *See* <https://www.cdc.gov/coronavirus/2019-ncov/your-health/about-covid-19/caring-for-children/families.html>; and

WHEREAS, the CDC recommends that older adults limit in-person interactions as much as possible, particularly when indoors. *See* <https://www.cdc.gov/aging/covid19/covid19-older-adults.html>; and

WHEREAS, the CDC, the California Department of Public Health, and the Alameda County Public Health Department all recommend that people experiencing COVID-19

symptoms stay home. See <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>; and

WHEREAS, persons without symptoms may be able to spread the COVID-19 virus. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>; and

WHEREAS, fully vaccinated persons who become infected with the COVID-19 Delta variant can spread the virus to others. See <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>; and

WHEREAS, the City's public-meeting facilities are indoor facilities that do not ensure circulation of fresh / outdoor air, particularly during periods of cold and/or rainy weather, and were not designed to ensure that attendees can remain six (6) feet apart; and

WHEREAS, holding in-person meetings would encourage community members to come to City facilities to participate in local government, and some of them would be at high risk of getting very sick from COVID-19 and/or would live with someone who is at high risk; and

WHEREAS, in-person meetings would tempt community members who are experiencing COVID-19 symptoms to leave their homes in order to come to City facilities and participate in local government; and

WHEREAS, attendees would use ride-share services and/or public transit to travel to in-person meetings, thereby putting them in close and prolonged contact with additional people outside of their households; and

WHEREAS, on October 7, 2021, the Privacy Advisory Commission adopted a resolution determining that conducting in-person meetings would present imminent risks to attendees' health, and electing to continue conducting meetings using teleconferencing in accordance with California Government Code Section 54953(e), a provision of AB-361; now therefore be it:

RESOLVED: that the Privacy Advisory Commission finds and determines that the foregoing recitals are true and correct and hereby adopts and incorporates them into this resolution; and be it

FURTHER RESOLVED: that, based on these determinations and consistent with federal, state and local health guidance, the Privacy Advisory Commission renews its determination that conducting in-person meetings would pose imminent risks to the health of attendees; and be it

FURTHER RESOLVED: that the Privacy Advisory Commission firmly believes that the community's health and safety and the community's right to participate in local government, are both critically important, and is committed to balancing the two by continuing to use teleconferencing to conduct public meetings, in accordance with California Government Code Section 54953(e), a provision of AB-361; and be it

FURTHER RESOLVED: that the Privacy Advisory Commission will renew these (or similar) findings at least every thirty (30) days in accordance with California Government Code section 54953(e) until the state of emergency related to COVID-19 has been lifted, or the Privacy Advisory Commission finds that in-person meetings no longer pose imminent risks to the health of attendees, whichever occurs first.



Privacy Advisory Commission

July 7, 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: Hofer, Katz, Brown, De La Cruz, Oliver, Leavitt,

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

The resolution was adopted unanimously.

3. Review and approval of the draft May special meeting and June meeting minutes

The May and June Minutes were adopted unanimously.

4. Open Forum/Public Comment

There were no Open Forum Speakers.

5. Surveillance Equipment Ordinance – OPD – Annual Report (Automated License Plate Readers)
 - a. Review and take possible action on the annual report

Chair Hofer recused himself from the meeting for this item due to his conflict in pending litigation. Vice Chair Katz began chairing the meeting.

The report was presented by Captain Roland Holmgren who noted that the department tried to address concerns heard at the PAC to show the technology's efficacy but noted the outdated software is still a barrier to providing thorough data.

Commissioner Leavitt, asked if the system is no longer supported by the vendor, does it still receive security patches? It is, but no other upgrades are possible.

Commissioner De La Cruz pointed out that since the ALPR discussion is going to the Public Safety Committee on July 12th, he is not inclined to approve the report. Commissioner Katz made a motion to send the report to Council with no recommendation since the Commission is already on record opposing the use of this technology. The motion passed unanimously.

6. Document Submission Proposal – Vice Chair Katz – Proposed policy regarding submission of documents to PAC by staff

Chair Hofer returned to the meeting.

Commissioner Katz proposed that the Commission require all documents to be shared by 12 noon on the Friday before regularly scheduled meetings. He cited the large number of documents in the agenda packets and the need for time to read them on the weekend prior to the meetings. Joe DeVries pointed out that it has been the unwritten policy to send the agenda packet out by 5pm Fridays and recommended keeping that deadline for the publishing. He would maintain the earlier noon deadline for departments to submit the documents to the City Administrator's Office for assembling.

Commissioner Oliver also expressed his concern that the Commission have the time it needs to process all of the information it needs for items that departments are seeking approval on. He pointed out that often the Commission is told that departments need to move faster than Commissioners are comfortable with if they haven't been able to digest all the information.

Amadis Sotelo with the City Attorney's Office made a friendly suggestion that this be written into the PAC Bylaws and offered to bring language back to a future meeting for adoption. The bylaws require two thirds vote to be modified.

The Commission voted unanimously to have staff bring back the bylaw amendment with the publishing of the agenda at 5pm on the Friday before regular meetings.

7. Surveillance Equipment Ordinance – OPD – Crime Lab DNA Instrumentation Policy

Chair Hofer opened by thanking OPD for updating its policy to ensure that victims' data cannot be used against them improperly in a criminal investigation. Citing the San Francisco Police Department's controversy over the use of victim DNA, He pointed out that Oakland had no instances of this type of misuse. Still, he appreciated the department quickly codifying that fact for the future.

Dr. Sachs with the Crime Lab confirmed what the Chair said and noted that the amended Use Policy makes those changes. The Chair suggested some minor language modification regarding the Victim Profile. Under Data Selection to add more clarity for a new reader.

After some wordsmithing and questions from other Commissioners, Chair Hofer made a motion to adopt the Use Policy changes and forward to the City Council and the motion passed unanimously.

8. Surveillance Equipment Ordinance – DVP – Apricot 360 database

Chair Hofer asked staff to present changes that were made in the documents noting that he saw some but wanted staff to share completely. Chief Cespedes introduced Jennifer Linchey to present. She shared slides showing the proposed changes in the Use Policy, the Contract, and Exhibits. She showed how there were two Use Policy Drafts, one with more access to key data across the system and one without. There were discussions about unique identifiers, data access restrictions, tracking duplicated services, and data retention.

Chair Hofer called for public speakers and there were 6 Public Speakers on the item. They included Gabriel Garcia with Youth Alive, Ronnie Rose, Hattie Tate with OUSD, Kentrell Killens with the DVP, and Assata Olugbala.

Commissioners deliberated about the access to PII, especially for minors, and Commissioner De La Cruz asked if the Commission could approve the greater access to PII but only for a year and then review the impact. Joe DeVries noted that this aligns with the annual reporting requirements in the ordinance which was designed to allow for adjustments.

A discrepancy was noted in the documents and staff reviewed what was submitted versus posted and found that an outdated version was being reviewed by the PAC and the newer version has changes they had asked for. The Chair continued the item to a Special Meeting next Tuesday 7/12 at 5pm and staff agreed to share the updated documents immediately.

9. Surveillance Equipment Ordinance – DOT – Mobile Parking Payment System

Chair Hofer noted that the item was not totally ready to vote on but wanted to let staff present to prepare the Commission for what's to come. OakDOT Mobility Manager Michael Ford opened up and announced that although the item isn't ready, Quinn Wallace from his division had done a great amount of work on this project but is leaving the City this week and he wanted to let Quinn present, prior to departure.

Quinn provided an overview of the history of Mobile Parking Permit Systems in Oakland and the process moving forward. The City will contract with 6 providers who will offer access to parking through a mobile phone app. All providers have agreed to abide by the adopted Use Policy contractually. This will allow for demand responsive parking management.

Chair Hofer called for Public Speakers and Asatta Olugbala spoke about data storage location, and the process; She feels that the City Council has already approved this use so she doesn't understand why the PAC is hearing it.

The Chair asked for clarity on the data storage system and Quinn stated that the City storage is off-site, hosted by a private vendor. He noted that the PAC had discussed the Park Mobile breach last year and that the speaker was likely referring to the approval of the Park Mobile Use Policy last years. There were some additional questions about daily data purges and other retention standards, and customer choices around privacy policies.

The Chair continued the item to the next regular meeting, once all the documents are ready.



Privacy Advisory Commission

July 12, 2022 5:00 PM

Teleconference

Special 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: Hofer, Katz, Oliver, Leavitt, Tomlinson, De La Cruz

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

The Resolution was adopted unanimously.

3. Open Forum/Public Comment

There were no Open Forum Speakers.

4. Surveillance Equipment Ordinance – DVP – Apricot 360 database

Jenny Linchey with the Department of Violence Prevention opened with a recap of Version A and Version B of the Use Policies. Several items were deliberated including Char Hofer's concern that the consent forms that are included be more explicit to better inform clients about how their PII will be shared/used.

Commissioner Leavitt also raised concern about how narrow the definition of PII is. Chair Hofer also focused on the cost of the system at \$535K the DVP needs to better show that the benefits outweigh the costs (versus \$350K for Cityspan).

DVP Chief Cespedes discussed the cost of one homicide in Oakland (approximately \$1.2 million) versus the cost of the data system that can help prevent many homicides by working in real time for outreach

workers. He also acknowledged the double-bind the DVP is in because it wants to meet its deliverables and reduce violence but also wants to protect its clients' privacy.

There was significant discussion about the need for DVP to access data and how it is used in real time, how CBOs would be impacted if they are not providing data, and how to better wordsmith the consent form and contracts. Based on that discussion Chair Hofer made a motion for the PAC to recommend the following language to Council:

Use Policy Version A (July 12, 2022 agenda packet)

- 1. Include definition of PII*
 - a. Personally identifiable information (PII) is any data that could potentially identify a specific individual. Any information that can be used to distinguish one person from another and can be used to deanonymize previously anonymous data is considered PII.*

Consent Form

- 1. Include definition of PII (see above)*
 - a. Include illustrative data/field descriptions (a handful)*
- 2. Include Data Breach, Subpoena, and DVP Access (from pg. 3 of Impact Statement Version B)*
- 3. Two category checkboxes for consent – 1) evaluation, 2) access to DVP staff of PII*

Contract

- 1. Draft included in July 12, 2022 agenda packet is part of this motion*

Commissioners Hofer, De La Cruz, Tomlinson, and Leavitt voted yes

Commissioners Oliver and Katz abstained.

The motion passed 4-2.

Oakland Privacy Advisory Commission Bylaws

ARTICLE I: Establishment and Governing Law

- 1) Name
Privacy Advisory Commission (PAC)
- 2) Authority, Statutory Requirements: and Other Laws and Polices

The Oakland City Council adopted Ordinance 13349 C.M.S. on January 19th, 2016 establishing the Privacy Advisory Commission, providing for the appointment of members thereof, and defining the duties and functions of said commission.

The Commission shall comply with all applicable laws, including, but not limited to, the City of Oakland Charter, the Establishing Ordinance, the Oakland Sunshine Ordinance (Ordinance 11957 C.M.S., adopted January 14, 1997), the Ralph M. Brown Act (Government Code sections 54950 et seq.), the Political Reform Act of 1974 (Government Code sections 81000 et. seq.), the Public Records Act (Government Code sections 6250 et seq.), and the Oakland Conflict of Interest Code (Ordinance 11979 C.M.S., as amended). If any conflict exists between any of the foregoing laws and these bylaws, the applicable law shall control over the bylaws.

ARTICLE II: Duties, Functions, and Commissioner Appointments

- 1) Duties and Functions
The PAC shall fulfill duties and functions as set forth in Ordinance 13349 C.M.S Act which are as follows:

It shall be the duty and function of the Privacy Commission to:

- a. Provide advice and technical assistance to the City of Oakland on best practices to protect citizen privacy rights in connection with the City's purchase and use of surveillance equipment and other technology that collects or stores citizen data.
- b. Conduct meetings and use other public forums to collect and receive public input on the above subject matter.
- c. Draft for City Council consideration, model legislation relevant to the above subject matter, including a Surveillance Equipment Usage Ordinance.
- d. Review and make recommendations to the City Council regarding any proposed changes to the operations of the Domain Awareness Center ("DAC") and/or proposed changes to the City's Policy for Privacy and Data Retention for the Port

Domain Awareness Center (“DAC Policy”) as specified in Resolution 85638 C.M.S.

- e. Submit annual reports and recommendations to the City Council regarding: (1) the City’s use of surveillance equipment, and (2) whether new City surveillance equipment privacy and data retention policies should be developed or such existing policies be amended.
- f. Provide analyses to the City Council of pending federal, state and local legislation relevant to the City’s purchase and/or use of technology that collects, stores, transmits, handles or processes citizen data.

The Privacy Commission shall make reports, findings and recommendations either to the City Administrator or the City Council, as appropriate. An annual report will be presented in writing to the City Council. The Commission may submit recommendations to the City Council following submission to the City Administrator.

2) Commissioner Appointments

- a. The Commission shall consist of nine (9) members, at least six (6) of whom are Oakland residents. Pursuant to Section 601 of the Charter, members of the Commission shall be appointed by the Mayor subject to confirmation by the affirmative vote of five members of the Council. Each Councilperson may recommend to the Mayor his/her own selection for Commission member.
- b. Five (5) members shall constitute a quorum.
- c. Each commission member shall serve as a volunteer without pay.
- d. The members shall be appointed to overlapping terms of three (3) years beginning on March 15th of each year and ending on March 15th three years later, or until a successor is appointed and confirmed pursuant to Section 601 of the City Charter. An appointment to fill a vacancy shall be for the unexpired term only. To assure that terms overlap, appointments shall be as follows: three (3) initial members will serve a three-year initial term, three (3) initial members will serve two-year initial term, and the other three (3) initial members will serve a one-year initial term.
- e. In the event an appointment to fill a vacancy has not occurred by the expiration of a member’s term, that member may remain in a holdover capacity for up to one year only following the expiration of his or her term or until a replacement is appointed, whichever is earlier.
- f. No member of the Privacy Commission shall serve more than three (3) consecutive terms.

- g. All members of the Privacy Commission shall be persons who have an interest in privacy rights as demonstrated by work experience, civic participation, and/or political advocacy. No member may be an elected official.
- h. Members of the Privacy Commission shall represent the following criteria, with no more than two (2) members representing any one criteria and at least one from each criteria to the extent possible:
 - 1. an attorney, legal scholar, or activist with expertise in privacy, civil rights, or a representative of an organization with expertise in the same.
 - 2. a past or present member of member of law enforcement who has worked with surveillance equipment and other technology that collects or stores citizen data;
 - 3. an auditor or certified public accountant;
 - 4. a hardware, software, or encryption security professional
 - 5. A member of an organization which focuses on government transparency and openness.
- i. No member may have a financial interest, employment, or policy-making position in any commercial or for profit facility, research center, or other organization that sells surveillance equipment or profits from decisions made by the Commission.

3) Oath of Public Office

Acceptance of the Oath of Public Office constitutes a Commission member's sworn responsibility of public trust. Members are required to serve well and to faithfully discharge their duties and responsibilities diligently and consistent with the laws of the City of Oakland and all pertinent state and federal laws.

4) Rules, Regulations and Procedures; Voting Requirements

Except for the two-thirds vote requirement in Article IX hereof, all actions by the PAC shall be by a majority vote of those present at a meeting at which a quorum exists.

Rules, regulations, and procedures for the conduct of PAC business shall be established by a vote of the members.

The Commission must vote to adopt any motion or resolution.

5) Conflict of Interest

No member of the Commission shall cast a vote on or participate in a decision-making capacity on the provision of services by that member or any organization that the member directly represents, on any matter which would provide a direct financial benefit to such member or a member of his or her immediate family, or on any other matter which would result in the member violating any conflict of interest law or regulation.

ARTICLE III: Officers

Officers shall be a Chairperson and Vice Chairperson chosen from members of the PAC.

1) Chairperson

The Chairperson shall preside at all PAC meetings and shall submit such agenda, recommendations and information at such meetings as are reasonable and proper for the conduct of the business affairs and policies of the PAC. The Chairperson shall sign all documents necessary to carry out the business of the PAC.

2) Vice Chairperson

The Vice Chairperson shall assist the Chairperson as directed and shall assume all the obligations and authority of the Chairperson in the absence or recusal of the Chairperson.

3) Election of Officers

The Officers shall initially be elected by vote from among the members of the Commission at the Commission's first regular meeting after adoption of these bylaws, or as soon thereafter as possible.

4) Removal of Chairperson

An affirmative vote of the PAC members can remove any Officer from office.

5) Officers' Terms of Office

The Officers shall hold office for one year. Their terms shall expire one year and one meeting after their election. No person shall be elected as an Officer for longer than his or her PAC term of office.

6) Officer Vacancies

If the office of the Chairperson becomes vacant, the Vice Chairperson shall become Chairperson. If the office of the Vice Chairperson becomes vacant for any reason, the PAC shall vote to elect a successor from among the PAC members at the next regular meeting, and such office shall be held for the unexpired term of said office.

ARTICLE IV: Planning and Oversight Staff

1) City Administrator

The Commission shall receive staff support from the City Administrator's Office, as determined by the City Administrator.

2) Legal Advisor

The Oakland Office of the City Attorney ("OCA") is the Commission's legal advisor. The OCA shall provide the Commission with legal assistance as determined by the OCA. Any member of the Commission may consult informally with any OCA attorney assigned by the OCA to the Commission on any matter related to PAC business. However, a request from a PAC member for assistance from the PAC's assigned attorney requiring

significant legal research, a substantial amount of time and attention, or a written response, may be made only through the Commission Chairperson with the designated PAC staff member or by a vote of the PAC.

3) Commission Staff

Commission members may consult staff of the City Administrator's Office informally, but any request for substantial assistance or a written report must be authorized by a vote of the PAC.

4) Custodian of Records

Pursuant to section 20.020.240 of the Sunshine Ordinance, the Commission shall maintain a public records file that is accessible to the public during normal business hours. The City Clerk shall be the official custodian of these public records, which shall be maintained in the manner consistent with records kept by the City Clerk on behalf of all other standing Commissions.

- 5) If authorized by the City Administrator, a designated member of City staff shall act as Custodian of Records to the Commission. The Custodian of Records shall keep the records of the Commission, shall record all votes, and shall prepare minutes and keep a record of the meetings in a journal of the proceedings.

ARTICLE V: Ad Hoc Committees

1) Ad Hoc Committees

The Chairperson, at her or his discretion, may establish ad hoc committees to perform specific tasks. An ad hoc committee shall dissolve when the task is completed and the final report is given. Any ad hoc committee may not have more than 4 PAC members.

ARTICLE VI: Meetings

1) Quorum

Ordinance 13349 C.M.S. created quorum for the PAC as five (5) members. A quorum shall be called for prior to any official business being conducted at the meeting. If there is no quorum at that time, no official action may be taken at that meeting. In the event that a quorum is not established within thirty (30) minutes of the noticed start time of the meeting, the Chairperson, in her or his discretion, may cancel the meeting or may allow the meeting to take place without any official action being taken at the meeting without a quorum.

2) Voting

Each member of the Commission shall have one vote. Consistent with Article II, Section 5, a motion shall be passed or defeated by a simple majority of those members present and voting at a meeting where a quorum has been established.

3) Public Input

(a) Public Input on Items Officially Noticed for the Agenda

At every regular meeting, members of the public shall have an opportunity to address the PAC on matters within the PAC's subject matter jurisdiction. Public input and comment on matters on the agenda, as well as public input and comment on matters not otherwise on the agenda, shall be made during the time set aside for public comment. Members of the public wishing to speak and who have filled out a speakers card, shall have two (2) minutes to speak unless the chairperson otherwise limits the total amount of time allocated for public discussion on particular issues and/or the time allocated for each individual speaker.

(b) Public Input on Items Not Officially Noticed for the Agenda (Open Forum)

Matters brought before the Commission at a regular meeting which were not placed on the agenda of the meeting shall not be acted upon or discussed by the PAC at that meeting unless action or discussion on such matters is permissible pursuant to the Brown Act and the Sunshine Ordinance. Those non-agenda items brought before the PAC which the PAC determines will require consideration and action and where action at that meeting is not so authorized shall be placed on the agenda for the next regular meeting.

(c) Identification of Speaker

Persons addressing the PAC shall be asked to state their names and the organization they represent, if any. They shall be asked to confine their remarks to the subject under discussion, unless they speak during the Open Forum portion of the agenda.

4) Regular Meetings

The Commission shall meet regularly on the first Thursday of each month, at the hour of 5:00 pm, in Oakland, California. In the event that the regular meeting date shall be a legal holiday, then any such regular meeting shall be rescheduled at least two meetings prior to the meeting for a business day thereafter that is not a legal holiday. A notice, agenda, and other necessary documents shall be delivered to the members, personally or by mail, at least seventy-two hours prior to the meeting.

5) Notice and Conduct of Regular Meetings

Notices and agendas of all regular PAC meetings requiring notice shall be posted in the City Clerk's Office and on an exterior bulletin board accessible twenty-four hours a day. Notices and all agenda related materials of regular meetings shall be posted at least seventy-two hours before the meeting by 5pm on the Friday preceding the week of the regular meeting. All agenda related materials shall be submitted to the City Administrator's Office by twelve o'clock noon (12pm) on the Friday when posting is required. Action may only be taken on items for which notice was provided in compliance with the Sunshine Ordinance and the Brown Act.

6) Minutes

Minutes shall be taken at every PAC meeting. Minutes shall be prepared in writing by the Custodian of Records. Copies of the minutes of each PAC meeting shall be made

available to each member of the PAC and the City. Approved minutes shall be filed in the official PAC file.

ARTICLE VII: Agenda Requirements

1) Agenda Preparation

The agenda is prepared through the joint effort of the Chairperson and PAC Staff, with appropriate legal review. At the outset of a PAC meeting, the Commission may remove items from the posted agenda, but may not add items to the posted agenda or otherwise modify it. Nothing in this Article VII shall change the requirements for agenda noticing and modification to the agenda as required by the Brown Act, Sunshine Ordinance or other applicable law.

2) It is the policy of the Privacy Advisory Commission PAC that documents submitted by City departmental staff for a PAC meeting agenda are to be received and distributed to commissioners no later than 5:00pm on the Friday the week before the PAC meeting is to take place. The agenda and supporting documents shall be distributed to the PAC Distribution list, provided to the City Clerk, and posted on the City's webpage no later than 5pm on the Friday the week before the PAC meeting.

ARTICLE VIII: Parliamentary Authority

1) Robert's Rules of Order

The business of the PAC shall be conducted, to the extent possible, in accordance with parliamentary rules as contained in Robert's Rules of Order, except as modified by these rules and in accordance with State open meeting laws and local open meeting laws, including, without limitation, the Brown Act, the Oakland Sunshine Ordinance, and the Establishing Ordinance. Failure of compliance with Robert's Rules of Order shall not constitute cause for invalidation of any PAC action of which a majority of PAC members clearly expressed approval.

2) Representation of the Privacy Advisory Commission

Any official representations on behalf of the PAC before the City Council or any other public body shall be made by a member of the PAC specifically so designated by vote of the PAC.

ARTICLE IX: Amendment of Bylaws

The Commission may adopt bylaws amendments at any regular meeting of the PAC by vote of two-thirds of the members present at which a quorum exists; provided such proposed amendments are circulated in writing to all PAC members at least ten (10) calendar days prior to such meeting, and three (3) calendar days' public notice shall be posted.



DEPARTMENTAL GENERAL ORDER

I-12: AUTOMATED LICENSE PLATE READERS

Effective Date: XX

Coordinator: Information Technology Unit

The Oakland Police Department (OPD) strives to use technology that promotes accountability and transparency. This policy provides guidance for the capture, storage and use of digital data obtained through the use of ALPR technology while recognizing the established privacy rights of the public.

A. Description of the Technology: *Information describing the surveillance technology and how it works.*

OPD uses Automated License Plate Reader (ALPR) technology to capture and store digital license plate data and images. There are two components to the ALPR system:

1. Automated License Plate Readers: Device components include cameras which can be attached to vehicles or fixed objects and a vehicle-based computer that processes the photographs and compares the data against California Department of Justice (CA DOJ) hotlists. Data is transmitted for comparison (the hotlists are downloaded to the vehicle at the start of the patrol shift and then compared from that list). Authorized personnel can also manually enter license plates to internal OPD generated hotlists only accessible to personnel authorized to access the OPD ALPR system.
2. ALPR Database: A central repository stores data collected and transmitted by the Automated License Plate Readers.

B. Purpose of the Technology

ALPR technology works by automatically scanning license plates on vehicles that are publicly visible. ALPR reads these license plates, compares the license plate characters against California Department of Justice (CA DOJ) specific databases, and stores the characters along with the date, time, and location where the photograph was taken, in a database. This process allows for two functions by ALPR:

1. Immediate (real time) comparison of the license plate characters against CA DOJ databases listing vehicles that are stolen or sought in connection with a crime and/or with OPD-generated internal lists.

2. Storage of the license plate characters – along with the date, time, and location where the photography was taken – in a database that is accessible to enforcement agencies with authorized access (as defined in “Authorized Use” below) for investigative query purposes.

C. Authorized Use: *The specific uses that are authorized, and the rules and processes required prior to such use.*

1. **Authorized Users**

Personnel authorized to use ALPR equipment or access information collected through the use of such equipment shall be specifically trained in such technology. Sworn personnel, Police Service Technicians, -or other authorized Department personnel may use the technology. Authorized users other than sworn personnel or police services technicians (PST) must be designated by the Chief of Police or designee.

2. **Restrictions on Use**

Department members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51, Civil Code § 1798.90.53). Authorized purposes consist only of queries related to criminal investigations, administrative investigations, missing persons cases, or other situations where there is a legal obligation to provide information related to an investigation. Any situation outside of these categories requires approval from a commander at the rank of Deputy Chief, Deputy Director, or higher.

- a. No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- b. No ALPR operator may access department, state or federal data unless otherwise authorized to do so pursuant to Section D “Data Access” below.
- c. Accessing data collected by ALPR requires a right to know and a need to know. A right to know is the legal authority to receive information pursuant to a state or federal statute, applicable case law, or a court order. A need to know is a compelling reason to request information such as involvement in an active investigation.

D. Data Collection: *The information that can be collected by the surveillance technology. Where applicable, list any data sources the technology will rely upon, including “open source” data.*

ALPR technology works by automatically scanning license plates on vehicles that are publicly visible. ALPR reads these license plates, compares the license plate characters (as well as vehicle attributes such as vehicle color or make and model with some ALPR systems) against specific databases, and stores the characters along with the date, time, and location where the photograph was taken, in a database.

E. Data Access: *The category of individuals who can access or use the collected information, and the rules and processes required prior to access or use of the information.*

ALPR server data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law.

All data and images gathered by the ALPR are for the official use of this department. Because such data contains investigatory and/or confidential information, it is not open to public review.

F. Data Protection: *The safeguards that protect information from unauthorized access, including encryption and access control mechanisms.*

All data will be safeguarded and protected by both procedural and technological means. OPD will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

1. All ALPR server data shall be accessible only through a login/password-protected system capable of documenting all access of information by username, license number or other data elements used in the search, name, date, time and purpose (Civil Code § 1798.90.52). In the event that the system cannot perform these functions, OPD personnel shall explain in writing to the City's Chief Privacy Officer within seven days of receiving notice of the diminished functionality.
2. Members approved to access ALPR data under these guidelines are permitted to access the data for law enforcement purposes only, as set forth above in Section B.2(1)(c) "Restrictions on Use."
3. Data will be transferred from vehicles to the designated storage per the with-automated ALPR technology data transfer protocol.

G. Data Retention: *The time period, if any, for which information collected by the surveillance technology will be routinely retained, the reason such retention period is appropriate to further the purpose(s), the process by which the information is*

regularly deleted after that period lapses, and the specific conditions that must be met to retain information beyond that period.

All ALPR data uploaded to the server shall be purged from the server at the point of ~~365 days~~twelve months from initial upload. [ALPR information](#) may be retained outside the database for the following purposes:

1. Criminal Investigations
2. Administrative Investigations
3. Missing Persons Investigations
4. Investigations from other law enforcement or prosecutorial agencies where there is a legal obligation to provide information.

Any situation outside of these categories requires approval from a commander at the rank of Deputy Chief, Deputy Director, or higher.

H. Public Access: *how collected information can be accessed or used by members of the public, including criminal defendants.*

Requests for ALPR information by non-law enforcement or non-prosecutorial agencies will be processed as provided in Departmental General Order M-9.1, Public Records Access, in accordance with (Civil Code § 1798.90.55, Government Code § 6253 et seq., and applicable case law and court orders.

I. Third Party Data Sharing: *If and how other City departments, bureaus, divisions, or non-City entities can access or use the information, including any required justification or legal standard necessary to do so and any obligations imposed on the recipient of the information.*

ALPR server data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law. All data and images gathered by the ALPR are for the official use of this department. Personnel may also grant ALPR server access to law enforcement agencies with whom OPD has an MOU that allows data sharing. Because such data contains investigatory and/or confidential information, any requests for public records access or requests must go through the protocol as set forth in E., F, and H (above).

OPD personnel may share ALPR server data with other law enforcement or prosecutorial agencies when there is a legal obligation, such as a court mandate, to share such information.

Requests for ALPR server data, where there is not a legal obligation to provide the data, shall be made in writing and approved by the BOS Deputy Director or designee. These requests shall be maintained in a secure folder so that information about these requests can be shared in required annual reports with the PAC.

J. Training: *The training required for any individual authorized to use the surveillance technology or to access information collected by the surveillance technology.*

The Training Section shall ensure that members receive department-approved training for those authorized to use or access the ALPR system and shall maintain a record of all completed trainings. (Civil Code § 1798.90.51; Civil Code §1798.90.53).

Training requirements for employees shall include the following:

- Applicable federal and state law
- Applicable policy
- Functionality of equipment
- Accessing data
- Safeguarding password information and data
- Sharing of data
- Reporting breaches
- Implementing post-breach procedures

K. Auditing and Oversight: *The mechanisms to ensure that the Surveillance Use Policy is followed, including internal personnel assigned to ensure compliance with the policy, internal recordkeeping of the use of the technology or access to information collected by the technology, technical measures to monitor for misuse, any independent person or entity with oversight authority, and the legally enforceable sanctions for violations of the policy.*

ALPR system audits shall be conducted annually by BOS to ensure proper system functionality and that personnel are using the system according to policy rules via sample audits, reviews of training records, and all requirements outlined in OMC 9.64 Section E “Data Protection” above explains that designated personnel will notify the City’s Privacy Officer within seven days upon a finding that the ALPR system cannot fully produce system audits due to technical issues with the system.-

L. Maintenance: *The mechanisms and procedures to ensure that the security and integrity of the surveillance technology and collected information will be maintained.*

- 1. ALPR Administration:** All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the BOS.
- 2. ALPR Administrator:** The BOS Deputy Director shall be the administrator of the ALPR program, and shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code §

1798.90.5 et seq. The BOS Deputy Director is responsible for ensuring systems and processes are in place for the proper collection, and retention of ALPR data.

3. **ALPR Coordinator:** The title of the official custodian of the ALPR system is the ALPR Coordinator.
4. **Monitoring and Reporting:** The Oakland Police Department will ensure that the system is remains functional according to its intended use.... maintained according to monitor its use of ALPR technology to ensure the proper functionality of the system as defined in the policy guidelines of this document, including required audits, training, and data access records.

The ALPR Coordinator shall provide the Chief of Police, Privacy Advisory Commission, and Public Safety Committee with an annual report pursuant to OMC 9.64 (Oakland Surveillance Technology Ordinance).

By Order of

LeRonne L. Armstrong
Chief of Police

Date Signed:



DEPARTMENTAL GENERAL ORDER

I-12: AUTOMATED LICENSE PLATE READERS

Effective Date: XX

Coordinator: Information Technology Unit

This policy provides guidance for the capture, storage and use of digital data obtained through the use of ALPR technology while recognizing the established privacy rights of the public.

Definitions

(a) **Automated License Plate Reader (ALPR):** A device that uses cameras and computer technology to compare digital images of vehicle license plates to lists of known information of interest.

(b) **Hot List:** A list of license plates associated with vehicles of interest compiled from one or more databases including, but not limited to the Stolen Vehicle System (SVS), NCIC, and local BOLO alerts.

(c) **Hit:** Alert from the ALPR system that a scanned license plate may be in the National Crime Information Center (NCIC) or other law enforcement database for a specific reason including, but not limited to, being related to a stolen car, wanted person, missing person or domestic violence protective order.

A. Description of the Technology: *Information describing the surveillance technology and how it works.*

OPD uses Automated License Plate Reader (ALPR) technology to capture and store digital license plate data and images. There are two components to the ALPR system:

1. Automated License Plate Readers: Device components include cameras which can be attached to vehicles or fixed objects and a vehicle-based computer that processes the photographs and compares the data against California Department of Justice (CA DOJ) hot-lists. Data are transmitted for comparison (the hot-lists are downloaded to the vehicle at the start of the patrol shift and then compared from that list). Authorized personnel can also manually enter license plates to internal OPD generated hot-lists only accessible to personnel authorized to access the OPD ALPR system.
2. ALPR Database: A central repository stores data collected and transmitted by the Automated License Plate Readers.

DEPARTMENTAL GENERAL ORDER

I-12: AUTOMATED LICENSE PLATE READERS



B. Purpose of the Technology

ALPR technology works by automatically scanning license plates on vehicles that are publicly visible. ALPR reads these license plates, compares the license plate characters against California Department of Justice (CA DOJ) databases, and stores the characters along with the date, time, and location where the photograph was taken. This process allows for two functions by ALPR:

1. Immediate (real time) comparison of the license plate characters against CA DOJ databases listing vehicles that are stolen or sought in connection with a crime and/or with OPD-generated internal lists.
2. Storage of the license plate characters – along with the date, time, and location where the photography was taken – in a database that is accessible to enforcement agencies with authorized access (as defined in “Authorized Use” below) for investigative query purposes.

C. Authorized Uses: *The specific uses that are authorized, and the rules and processes required prior to such use.*

1. Authorized Users

Personnel authorized to use ALPR equipment or access information collected through the use of such equipment shall be specifically trained in such technology. Sworn personnel, Police Service Technicians, or other authorized Department personnel may use the technology. Authorized users other than sworn personnel or police services technicians (PST) must be designated by the Chief of Police or designee.

2. Authorized use

(a) **Verification:** If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

Once an alert is received, the operator should confirm that the observed license plate from the system matches the license plate of the observed vehicle.

Before any law enforcement action is taken because of an ALPR alert, the alert will be verified through a CLETS inquiry via MDC or through Dispatch.

DEPARTMENTAL GENERAL ORDER



I-12: AUTOMATED LICENSE PLATE READERS

Members will not take any police action that restricts the freedom of any individual based solely on an ALPR alert unless it has been validated.

Because the ALPR alert may relate to a vehicle and may not relate to the person operating the vehicle, officers are reminded that they need to have reasonable suspicion and/or probable cause to make an enforcement stop of any vehicle. (For example, if a vehicle is entered into the system because of its association with a wanted individual, Officers should attempt to visually match the driver to the description of the wanted subject prior to making the stop or should have another legal basis for making the stop.)

(b) **Hot Lists.** Designation of hot lists to be utilized by the ALPR system shall be made by the ALPR Administrator or his/her designee. Hot lists shall be obtained or compiled from sources as may be consistent with the purposes of the ALPR system set forth in this Policy. Hot lists utilized by the Department's LPR system may be updated by agency sources more frequently than the Department may be uploading them and thus the Department's LPR system will not have access to real time data. Occasionally, there may be errors in the LPR system's read of a license plate. Therefore, an alert alone shall not be a basis for police action (other than following the vehicle of interest). Prior to initiation of a stop of a vehicle or other intervention based on an alert, Department members shall undertake the following:

(1) **Verification of status on a Hot List.** An officer must receive confirmation, from an Oakland Police Department Communications Dispatcher or other department computer device, that the license plate is still stolen, wanted, or otherwise of interest before proceeding (absent exigent circumstances).

(2) **Visual verification of license plate number.** Officers shall visually verify that the license plate of interest matches identically with the image of the license plate number captured (read) by the LPR, including both the alphanumeric characters of the license plate, state of issue, and vehicle descriptors before proceeding. Department members alerted to the fact that an observed motor vehicle's license plate is entered as a Hot Plate (hit) in a specific BOLO (be on the lookout) list are required to make a reasonable effort to confirm that a wanted person is actually in the vehicle and/or that a reasonable basis exists before a Department member would have a lawful basis to stop the vehicle.

(3) Department members will clear all stops from hot list alerts by indicating the positive ALPR Hit, i.e., with an arrest or other enforcement action.

DEPARTMENTAL GENERAL ORDER

I-12: AUTOMATED LICENSE PLATE READERS



(4) General Hot Lists (such as the SVS) will be automatically downloaded into the ALPR system a minimum of once a day with the most current data overwriting the old data.

(5) All entries and updates of specific Hot Lists within the ALPR system will be documented by the requesting Department member within the appropriate general offense report. As such, specific Hot Lists shall be approved by the ALPR Administrator (or his/her designee) before initial entry within the ALPR system. The hits from these data sources should be viewed as informational; created solely to bring the officers attention to specific vehicles that have been associated with criminal activity.

All Hot Plates and suspect information entered into the ALPR system will contain the following information as a minimum:

- Entering Department member's name
- Related case number.
- Short synopsis describing the nature of the originating call

3. Restrictions on Use

Permitted/Impermissible Uses. The ALPR system, and all data collected, is the property of the Oakland Police Department. Department personnel may only access and use the ALPR system for official and legitimate law enforcement purposes consistent with this Policy. The following uses of the ALPR system are specifically prohibited:

(1) Invasion of Privacy: Except when done pursuant to a court order such as a search warrant, it is a violation of this Policy to utilize the ALPR to record license plates except those of vehicles that are exposed to public view (e.g., vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shop or other business establishment).

(2) Harassment or Intimidation: It is a violation of this Policy to use the ALPR system to harass and/or intimidate any individual or group.

(3) Use Based on a Protected Characteristic. It is a violation of this policy to use the LPR system or associated scan files or hot lists solely because of a person's, or group's race, gender, religion, political affiliation, nationality, ethnicity, sexual orientation, disability, or other classification protected by law.

(4) Personal Use: It is a violation of this Policy to use the ALPR system or associated scan files or hot lists for any personal purpose.

DEPARTMENTAL GENERAL ORDER

I-12: AUTOMATED LICENSE PLATE READERS



(5) First Amendment Rights. It is a violation of this policy to use the LPR system or associated scan files or hot lists for the purpose or known effect of infringing upon First Amendment rights.

Department members shall not use, or allow others to use, the equipment or database records for any unauthorized purpose (Civil Code §798.90.51.; Civil Code § 1798.90.53). Authorized purposes consist only of queries related to criminal investigations, administrative investigations, missing persons cases, or other situations on receipt of a subpoena, court order or warrant. Any situation outside of these categories requires approval from a commander at the rank of Deputy Chief, Deputy Director, or higher.

- a. No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- b. No ALPR operator may access department, state or federal data unless otherwise authorized to do so pursuant to Section D "Data Access" below.
- c. Accessing data collected by ALPR requires a right to know and a need to know. A right to know is the legal authority to receive information pursuant to a state or federal statute, applicable case law, or a court order. A need to know is a compelling reason to request information such as involvement in an active investigation.

D. Data Collection: *The information that can be collected by the surveillance technology. Where applicable, list any data sources the technology will rely upon, including "open source" data.*

ALPR technology works by automatically scanning license plates on vehicles that are publicly visible. ALPR reads these license plates, compares the license plate characters (as well as vehicle attributes such as vehicle color or make and model with some ALPR systems) against specific databases, and stores the characters along with the date, time, and location where the photograph was taken, in a database.

E. Data Access: *The category of individuals who can access or use the collected information, and the rules and processes required prior to access or use of the information.*

ALPR server data may be shared only with other California law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law. Data may not be shared with out of state agencies.

DEPARTMENTAL GENERAL ORDER

I-12: AUTOMATED LICENSE PLATE READERS



The Oakland Police Department does not permit the sharing of ALPR data gathered by the City or its contractors/subcontractors for purpose of federal immigration enforcement, pursuant to the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq) – these federal immigration agencies include Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CPB).

All data and images gathered by the ALPR are for the official use of this department. Because such data contains investigatory and/or confidential information, it is not open to public review.

F. Data Protection: *The safeguards that protect information from unauthorized access, including encryption and access control mechanisms.*

All data shall be safeguarded and protected by both procedural and technological means. OPD shall observe the following safeguards regarding access to and use of stored data. (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

1. All ALPR server data shall be accessible only through a login/password-protected system capable of documenting all access of information by user name, license number or other data elements used in the search, name, date, time and purpose. (Civil Code § 1798.90.52).
2. Data will be transferred from vehicles to the designated storage per the automated ALPR technology data transfer protocol.

G. Data Retention: *The time period, if any, for which information collected by the surveillance technology will be routinely retained, the³ reason such retention period is appropriate to further the purpose(s), the process by which the information is regularly deleted after that period lapses, and the specific conditions that must be met to keep information beyond that period.*

All ALPR data uploaded to the server shall be purged from the server at the point of 60 days from initial upload. ALPR information may be retained outside the database for the following purposes:

1. Criminal Investigations
2. Administrative Investigations
3. Missing Persons Investigations

DEPARTMENTAL GENERAL ORDER

I-12: AUTOMATED LICENSE PLATE READERS



4. Investigations from other law enforcement or prosecutorial agencies where there is a legal obligation to retain information.

H. Public Access: *how collected information can be accessed or used by members of the public, including criminal defendants.*

Requests for ALPR information by non-law enforcement or non-prosecutorial agencies will be processed in accordance with Civil Code § 1798.90.55, Government Code §6253 et seq, and applicable case law and court orders.

I. Third Party Data Sharing: *If and how other City departments, bureaus, divisions, or non-City entities can access or use the information, including any required justification or legal standard necessary to do so and any obligations imposed on the recipient of the information.*

ALPR server data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law. All data and images gathered by the ALPR are for the official use of this Department. Because such data contains investigatory and/or confidential information, any requests for public records access must go through the protocol as set forth in this policy.

OPD personnel may share ALPR server data with other law enforcement or prosecutorial agencies when there is a legal obligation to do so, such as a subpoena, court order or warrant to share such information.

Requests for ALPR server data from other California law enforcement agencies, where there is not a legal obligation to provide the data, shall be made in writing and approved by the BOS deputy director or designee. These requests shall be maintained in a secure folder so that information about these requests can be shared in required annual reports with the PAC. Server access shall be restricted only to authorized OPD personnel who will extract the required information and forward it to the requester.

DEPARTMENTAL GENERAL ORDER

I-12: AUTOMATED LICENSE PLATE READERS



J. Training

The training required for any individual authorized to use the surveillance technology or to access information collected by the surveillance technology.

The Training Section shall ensure that members receive department-approved training for those authorized to use or access the ALPR system and shall maintain a record of all completed trainings. (Civil Code § 1798.90.51; Civil Code §1798.90.53).

Training requirements for employees shall include the following:

- Applicable federal and state law
- Applicable policy
- Functionality of equipment
- Accessing data
- Safeguarding password information and data
- Sharing of data
- Reporting breaches
- Implementing post-breach procedures

K. Auditing and Oversight

The mechanisms to ensure that the Surveillance Use policy is followed, including internal personnel assigned to ensure compliance with the policy, internal record keeping of the use of the technology or access to information collected by the technology, technical measures to monitor for misuse, any independent person or entity with oversight authority, and the legally enforceable sanctions for violations of the policy.

Login/Log-Out Procedure. To ensure proper operation and facilitate oversight of the ALPR system, all users will be required to have individual credentials for access and use of the systems and/or data, which has the ability to be fully audited. It is the responsibility of the Department under this policy to actively pursue software and hardware upgrades that are needed to maintain full compliance with Section K of the use policy.

DEPARTMENTAL GENERAL ORDER

I-12: AUTOMATED LICENSE PLATE READERS



ALPR system audits shall be conducted annually to ensure proper system functionality and that personnel are using the system according to policy rules via sample audits, reviews of training records, and all requirements outlined in OMC 9.64 Section E.

L. Maintenance

The mechanisms and procedures to ensure that the security and integrity of the surveillance technology and collected information will be maintained.

1. ALPR Administration: All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the BOS.
2. ALPR Administrator: The BOS Deputy Director shall be the administrator of the ALPR program, and shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code §1798.90.5 et seq. The BOS Deputy Director is responsible for ensuring systems and processes are in place for the proper collection, and retention of ALPR data.
3. ALPR Coordinator: The title of the official custodian of the ALPR system is the ALPR Coordinator.
4. Monitoring and Reporting: The Oakland Police Department will ensure that the system is remains functional according to its intended use and monitor its use of ALPR technology to ensure the proper functionality of the system as defined in the policy guidelines of this document, including required audits, training, and data access records.
5. The ALPR Coordinator shall provide the Chief of Police, Privacy Advisory Commission, and Public Safety Committee with an annual report pursuant to OMC 9.64 (Oakland Surveillance Technology Ordinance).

By Order of

Leronne Armstrong Chief of Police

Date Signed: