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noted that the department tried to address concerns heard at the PAC to show the technology's efficacy but noted the outdated software is still a barrier to providing thorough data.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 if 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 prosed 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.