



**Privacy Advisory Commission**  
**November 4, 2021 5:00 PM**  
**Teleconference**  
***Meeting Minutes***

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

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1. Call to Order, determination of quorum

*Members Present: Hofer, Gage, Oliver, Katz, Suleiman, De La Cruz, Tomlinson.*

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 October Special Meeting 1 and Meeting 2 Minutes

*Both Special Meeting Minutes were approved unanimously with one correction: under the section on ALPR, Chair Hofer screen shared an analysis "of a single Bay Area jurisdiction," not the entire Bay Area.*

4. Surveillance Equipment Ordinance – DOT – Dockless Mobility Data Sharing
  - a. Review and take possible action on Annual Reports for 2020, 2021

*Chair Hofer opened the item to acknowledge the early problems in Los Angeles regarding data retention that many were upset about—privacy advocates and tech companies were aligned that LA's data retention policy was problematic. He pointed out that Oakland learned from LA's mistake and crafted a policy to avoid a similar problem here.*

*Kirby Olsen who oversees shared mobility programs for the Department of Transportation (OakDOT) presented the report. He noted that LA developed the "Mobility Data Standard" which is becoming the industry standard. Oakland does not need this data on its servers and limits the retention of it.*

*Kirby explained how the system works and displayed the maps the city uses to assess mobility vehicle distribution citywide which helps the City manage the program effectively. Because no user data is collected, the City can protect the privacy of the people using the vehicles.*

*Chairperson Hofer lauded the City's policy and Member Katz also noted that in this instance, the data is owned by the ride share companies, not the City. The fact that some data is shared with the City without impacting the privacy of the users is a great balance.*

*The PAC accepted the annual report unanimously.*

5. Federal Task Force Transparency Ordinance – OPD – Drug Enforcement Agency MOU
  - a. Review and take possible action on proposed memorandum of understanding

*This item was pulled from the agenda.*

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

*Chair Hofer opened with his comments on the process and presented a spreadsheet of the findings the PAC adopted in May to display what progress had been made on these findings. On some, the situation improved, such as a lower retention period, but many others, in his opinion are unchanged. He stated that his position is unchanged, that he still supports a two-year moratorium on the use of ALPR by OPD.*

*Member Gage noted that ALPR technology is useful but that the data OPD provided did not justify its use due to the very low "hit rate" displayed in the reports. He also noted that the City Council may disagree, especially in this time of increased crime rates and public safety concerns. However, he went on to state the role of the PAC is to evaluate the civil liberties impact of the technology and how it is used and on that standard, he cannot support its current use.*

*Member Katz also noted the cost of the technology does not support its continued use. He also noted that mass surveillance typically hurts People of Color the most as well as people who challenge the power structure.*

*Member Suleiman drew a comparison between this technology and facial recognition technology in that the gathering of data through mass surveillance of this level needs to be held to a higher standard than other technologies and requires a higher level of trust in the department. She also believes the findings indicate the use should be discontinued.*

*Member De La Cruz reiterated what others said in his belief that the use does not come close to meeting the standard set in the law to allow for its continued use.*

*Captain Figueroa spoke on behalf of OPD and felt it was very unfortunate that there was no ad hoc committee to discuss more of the details of the policy as had been requested by OPD on several occasions but also noted he and the department respect the position of the PAC. He went on to note that the department believes it can fix the audit problem with a software upgrade that will cost approximately \$15,000 which is a much lower cost than previously thought for a system upgrade. He is hopeful that this upgrade will provide the depth of data in the future that the PAC is looking for.*

*There were five public speakers on the item:*

*Alex Minus spoke in favor of ALPR technology and said he sees how it helps vulnerable communities. He himself is a shooting victim and believes the department needs this tool to do its work.*

*Jose Ruelas note he grew up in the Fruitvale and now lives in District 6. He sees a lot of crime in his neighborhood including a recent homicide on his block and believes OPD should be allowed to use this technology and that if people lived in the conditions he experiences, they would also support its use.*

*Oscar Yassin stated that he doesn't find it helpful for people to state what City Council District they live in as even district 6 has very affluent areas. He went on to state he agrees with the PAC position but believes the City Council will overrule the PAC anyway.*

*Sudip Ray noted he lives on Ney Avenue where there have been multiple shootings in the past several months and he believes one life saved is worth the cost of technology. He supports anything that will help OPD save more lives.*

*Assata Olugbala spoke about her personal experience, noting she lives in a safe community and hasn't personally been harassed and she believes surveillance is necessary to create safe spaces. She also noted that surveillance needs to be conducted properly.*

*The PAC Chair restated his motion to uphold the original recommendation and the motion passed unanimously.*

*The meeting adjourned at 6:33pm.*