



Privacy Advisory Commission

May 18, 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, Sulieman, Oliver, 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 public speakers.

4. Surveillance Equipment Ordinance – DVP – Apricot 360 database
 - a. Review and take possible action on Impact Report and proposed Use Policy

Vice Chair Katz made a motion to adjourn the meeting due to a document that was submitted that was not in the packet. He was referring to a letter from a member of the public that included responses from staff that some members of the PAC had seen but was not published. Member Oliver seconded the motion.

Chair Hofer noted that he would have liked to include the info in the packet but the agenda went out prior to his review but also that he would like to use the opportunity of the meeting to still meet and discuss concerns with the proposed use. Member Sulieman shared concern that the public should be able to provide public comment.

Joe DeVries noted that the material in question (a letter from a member of the public) is not typically included in published agenda packets and therefore not a Brown Act violation. Chair Hofer agreed but also added he wanted to see the letter's responses as well as a City Council Staff Report included in the packet.

The vote to adjourn was 3 ayes, 1 no, and 1 abstention. After the vote there was still a question as to whether the public could comment. The City Attorney confirmed that if a vote to end is successful, the meeting ends. Joe DeVries pointed out that the winners of the motion could move for a vote to reconsider and the meeting could instead continue and the City Attorney confirmed that such a vote could reconvene the meeting. He also noted that he sees no public meeting law violations.

Member Suleiman made a motion to reconsider the motion to terminate the meeting, with the understanding that the PAC would not take action today but would take public comment on the item. Chair Hofer seconded the motion and it passed with one abstention (Katz).

There were two public speaker on the item:

Assata Olugbala raised alarm that the PAC discussed an item not on the agenda and possibly was violating the Brown Act. She asked that only the Parliamentarian determine any Brown Act violations.

Dr. Paula Hawthorn spoke about her concerns, in particular the historic practices where CBO's who receive funding are independent and maintain their own data. This proposal shifts that to require all of their data to be uploaded to a central database owned by the City. Some of that data is highly sensitive and she believes should not be owned by the City. She sees easy technological solutions that would only allow aggregated data to be uploaded to the system.

Vice Chair Katz raised concerns about the company having principle offices in Texas and that means any data they have on Oakland clients could be subpoenaed by the Governor of Texas. He also is concerned that the database has two separate functions: one is to collect data on services to individual clients, second is to manage contracts. He doesn't see why they need to be in the same database. Last, he is concerned about who owns the key to the encrypted data.

Jenny Linchey with DVP provided answers, in particular, access to data is made to staff from Social Solutions only when they are asked to provide tech support. Nick Mussilami with Social Solutions confirmed that access limitation and disagreed with the statement that a Texas official could subpoena this data.

Member Reem asked why 150 user licenses are needed. Jenny Linchey explained those are for the funded CBOs for their direct service staff who need to enter data as well as internal fiscal and management staff who need to upload and review contract documents.

Vice Chair Katz asked about whether people receive services if they all refuse to allow their personal data to be gathered. Jenny Linchey explained that clients agree to provide data when they are enrolled and has not been a problem in the past. Vice Chair Katz and Chair Hofer both see that this may change with the new program. Chair Hofer asked Jenny to elaborate on how the proposal to gather this data came about. He cited the principle of collecting the minimum amount of data needed to achieve the goal.

Jenny explained that program monitoring, coordination of services between providers for the benefit of the client, and evaluation of service delivery are the three main purposes of this expanded data collection. She also clarified that the same level of data is collected currently in the current Cityspan system but that the ability to cross reference it across providers is not possible. She also noted that there is no intent to collect medical records, nor data about sexual assaults from victims. It is already policy, where clients of gender-based violence services are entered, their names are NOT entered into the system.

Chair Hofer noted the PAC goal of weighing the benefit versus (civil liberty) cost of authorizing this use of technology. He asked about the recent past evaluations of the DVP programs and didn't see any conclusions that the DVP data management was a problem. Therefore, the DVP request to use technology that raises more concerns needs to be supported with data showing the benefit. Jenny Linchey clarified that no new sensitive information is being gathered, but rather the system has more functionality, and that functionality was requested by many of the DVPs contracted providers.

Chair Hofer and Jenny Linchey discussed the need for this data for the DVP Evaluators. He noted that the new evaluator may want data that is not being collected (or authorized in the current proposed Use Policy). Jenny pointed out that the evaluator will build their proposed evaluation on the data that is available to them. They also discussed the tracking of provider outreach efforts and the need to do so. Jenny explained they have a way to track the outreach activity while using only a code for the individuals they are working with. "Outreach" is for clients that have not yet been enrolled and therefore no PII is collected. There were other topics, including determining helpful public safety metrics and some inconsistencies in the Use Policy and Impact Reports that were clarified.

Chair Hofer raised questions about the proposed contract with Social Solutions as well and had some suggested edits to tighten up the language around the ownership of the data. He noted that defining raw data versus altered data is important in the contract as third parties have been known to repurpose and slightly modify data and then resell it. Chair Hofer noted that delineating the authorized uses in the Use Policy is important so that a new document can be considered at the next meeting.

The item was continued to June.