



AGENDA REPORT

TO: HENRY GARDNER
CITY ADMINISTRATOR

FROM: Joe DeVries

SUBJECT: Report on DAC Ad Hoc Privacy Committee **DATE:** June 12, 2014

City Administrator

Date

Approval *cc*

6/17/14

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that Council accept this informational report on the Domain Awareness Center (DAC) Ad Hoc Advisory Committee on Privacy and Data Retention.

OUTCOME

Acceptance of this report will satisfy the Council direction provided to staff on March 4, 2014 to return to Council with an update on the creation of the Ad Hoc Advisory Committee and its development of a Privacy and Data Retention Policy for the Domain Awareness Center (DAC).

BACKGROUND/LEGISLATIVE HISTORY

On March 4, 2014 the City Council adopted a resolution that stated, "A data retention as well as a privacy policy shall be developed by the Council Approved Advisory Body prior to the activation of the Port-only Domain Awareness Center. Members of the Advisory Body will be appointed by each member of the City Council." The resolution further stated that staff should return to Council with an update in three months.

ANALYSIS

Staff worked directly with the City Council Offices to identify individuals with an interest in serving on the Ad Hoc Committee with a goal of appointing a balanced group that included people with expertise in areas such as privacy rights, civil liberties, and technology, as well as individuals who represent Oakland's neighborhoods and business community. To ensure a manageable sized committee, it was suggested that each Council Member provide a maximum of two appointees for a total of 16 members.

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Committee Composition

The current list of twelve (12) appointees includes:

<u>Appointee</u>	<u>Council Member</u>
Phil Wolff	Kalb, Dist. 1
Robert Harris	Kernighan, Dist. 2
Jesper Jurcenoks	Kernighan, Dist. 2
Brian Hofer	Gibson-McElhaney, Dist. 3
Linda Lye (Matt Cagle alt.)*	Gibson-McElhaney, Dist. 3
Nadia Kayyali	Schaaf, Dist. 4
Eduardo De Loa	Gallo, Dist. 5
Robert Gray	Gallo, Dist. 5
Jon Wactor	Brooks, Dist. 6
Carl Chan	Reid, Dist. 7
Allan Brill	Kaplan, At Large
Aestetix	Kaplan, At Large

**Linda Lye will be on leave starting in July and Matt Cagle will succeed her as an official appointee from District 3.*

The committee selected Jesper Jurcenoks as the Chair and Brian Hofer as the Vice-Chair. The committee is convening with the assumption that a quorum is a majority (7) of its current members. Should any new appointees be named by the City Council Members that still have an opening, the quorum requirement will be modified. The Committee asked that the City Council Members with available openings consider the gender diversity of the committee when selecting potential future appointees.

Meeting Schedule and Timeline

The committee first met on May 1, 2014, then again on May 8, 2014 and May 22, 2014 at which point they formalized the meeting schedule as the second and fourth Thursday of every month at 6pm until the work is complete. The meetings take place in Hearing Room 4 on the second floor of City Hall. **Attachment B** contains the draft meeting minutes for the first three meetings.

The Committee is sensitive to the concerns aired by City and Port staff that federal grant funding could be lost if the DAC is not operational by October, 2014 and therefore has set a goal of providing a final policy for the City Council to consider by September, 2014.

Process and Scope of Work

The Committee, currently in an information-gathering stage, has requested information from staff covering a wide range of issues including data security, information sharing agreements

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with outside agencies, situational capabilities and uses of the DAC in its current proposed form, and further analysis of current data retention policies. A copy of the list of questions developed by the committee can be found in *Attachment A*. While this information gathering takes place, the committee has also defined the core principles that the policy needs to include and areas it needs to cover. Those principles and policy areas are listed below:

Core/Unbreakable Principles

- a. Constitutionality (both Federal and California constitution)
 - i. 1st amendment
 - ii. 4th amendment
- b. Efficiency
- c. Safety
- d. Transparency
- e. Amendable; both the policy and Citizens' ability to amend information about her/himself
- f. Presumption of Innocence
- g. Privacy and Civil Liberties
- h. Balance between all principles

Areas the Policy must address

- a. Information sharing Agreements
- b. Penalties for Abuse
- c. Auditing
- d. Data Retention
- e. Analytics (Currently not part of the DAC)
- f. Protection of Whistleblowers
- g. Purpose definition of the DAC
- h. Data Minimization
- i. Data Safeguards (Prevention of abuse)
- j. Public Access
- k. Metrics (is the DAC meeting its intended goals and is it worth the ongoing cost)
- l. Security (Primarily of Data)
- m. Dispute resolution
- n. Project Innocence (can the DAC help prove innocence and at what cost?)

PUBLIC OUTREACH/INTEREST

The Ad Hoc Committee Meetings are properly noticed with the City Clerk. Staff also created an email distribution list so that any interested party can receive all of the agenda materials at the same time as the committee members.

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COORDINATION

The City Administrator provides direct staff support to the committee and the following departments also regularly participate and assist in the preparation for the Advisory Committee Meetings: the Department of Information Technology, City Clerk, City Attorney, Police Department, Fire Department, Office of Emergency Services, and the Port of Oakland. The City Attorney's Office and Budget Office were consulted in the preparation of this report.

COST SUMMARY/IMPLICATIONS

This is an informational report and has no fiscal impact.

SUSTAINABLE OPPORTUNITIES (Mandatory)

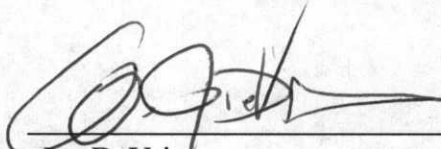
Economic: No economic opportunities are identified in this report.

Environmental: No environmental opportunities are identified in this report.

Social Equity: The creation of an effective Ad Hoc Advisory Committee to develop a privacy policy provides residents with an indication that the City is responding to concerns about the Domain Awareness Center's impact on residents' civil liberties.

For questions regarding this report, please contact Joe DeVries, Assistant to the City Administrator, at (510) 238-3083.

Respectfully submitted,



Joe DeVries,
Assistant to the City Administrator

Attachments:

- A- List of informational questions the Committee has submitted to staff
- B- Draft Committee Meeting Minutes from May 1st, 8th, and 22nd

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DAC Ad Hoc Advisory Committee List of Information Requests to City Staff

Operational Questions:

1. What are the current informational inputs (data sources) to the Domain Awareness Center (DAC)?
2. What are the current informational inputs (data sources) to the Emergency Operations Center (EOC)?
3. What informational inputs will the DAC be capable of receiving, even if it is not now receiving those inputs?
4. What is the relationship between the DAC and the EOC?
5. What data is exchanged between the DAC and the EOC and how is it transferred (e.g., via live video feeds, emails, shared storage space)?
6. When is the DAC activated?
7. When is the EOC activated?
8. Provide a written list of priorities (scenarios of use) from OPD, OFD, Port, EOC, EOS to help determine purpose specification and data minimization.
9. Will the DAC ever 'stand down', or is it meant to be 'always on'?
10. Will all data be fed to the DAC continuously unless intentionally shut off?
11. Can the DAC facilitate retention by other systems? In other words, *what capabilities does the DAC have to direct or command that data be retained by other City systems (e.g., the EOC, CCTV cameras)?*
12. What capabilities does the DAC have to retain any "bookmark," "flag," or other memory of location of any data collected by other City systems?
13. What software is used by DAC systems to analyze and organize data inputs? Who developed the software? What are the functionalities of that software?
14. Please provide unclassified photos from inside the DAC for committee members to contextualize the center.

Information Sharing Agreements:

15. Please provide a copy of the agreement with DHS for funding of the DAC.
16. Provide copies of any formal written agreements between the City, OPD, Alameda County Sheriff, Port and any other entities connected to the DAC, including the SF Fusion Center, FBI, CIA, NSA, and any other Homeland Security Agency, regarding the sharing of information of any kind.
17. Please provide a summary of any *Informal* information sharing agreements of the same nature as above.
18. What types of data does OPD, OFD, EOC, EOS, OFD, Port send to NCRIC (including but not limited to camera feed, ALPR, ShotSpotter, CAD, RMS)?
19. Is any OPD, OFD, EOC, EOS, Port data shared with any private entity or individual? If so, please explain in detail.
20. What agencies have been approached or contacted by the City with regard to planning and/or information sharing for the DAC project?

21. Will any data proposed to be fed to the DAC be shared with any private entity or individual? If so, please explain in detail.
22. Does the City typically initiate the transmission of data to NCRIC, and does NCRIC serve as the requestor of Data that would require entering into an Information Sharing Agreement?
23. What are the criteria for OPD, OFD, EOC, EOS, Port sending data to or sharing data with NCRIC (e.g. showing needed, probable cause, reasonable suspicion, simple request/partner sharing agreements)
24. Which companies have been contacted by the City of Oakland, or contacted the city of Oakland, regarding the sale of software for use with the DAC?

Privacy Policies:

25. Please provide any privacy and data retention policy or guidelines governing the EOC.
26. Please provide any privacy and data retention policy, guidelines, contractual terms or audits re relationship with ShotSpotter transmission of data (e.g. data is first sent to ShotSpotter's servers in Newark before transmission back to OPD).
27. The Committee requests that staff collect, to the best of their ability, the privacy/transparency policies of the other approximately 17 local DAC-type entities, and 19 current fusion centers across the country. Note: The NYU Brennan Center may have a compilation of this already.
28. Please provide copies of Privacy and Data Retention Policies from other municipalities (especially California).

Data Retention:

29. Is any OPD, OFD, EOC, EOS, Port data that will feed DAC currently kept or intended in the future to be kept in the cloud? If so, with whom and please provide any privacy and data retention policy or guidelines governing storage or transmission of the data by that entity.
30. How long must a temporary working copy of data (surveillance or other) be kept when the ORIGINAL is under City control?
31. How long must a temporary working copy of data (surveillance or other) be kept when the ORIGINAL is under the control of a partner with whom the city has a data sharing agreement?
32. Can the City avoid the data retention requirements of State Code 34090 because the data is secondary (legal analysis needed) and maintain a shorter retention period?
33. What is the current or proposed storage capacity of the DAC and what is that storage capacity contemplated to be used for?



**Domain Awareness Center
Ad Hoc Advisory Committee on Privacy and Data Retention**

May 1st, 2014

**Council Chambers
1 Frank H. Ogawa Plaza, 3rd Floor
6:00 PM**

Draft Meeting Minutes

Members Present: Jurcenoks, Hofer, Members De Loa, Wactor, Brill, Aestetix, and alternate Cagle (Lye).

Members Absent: Gray, Chan, and Harris

1. Introduction
 - a. City Staff

Staff from various departments introduced themselves including the City Administrator, City Attorney, OPD, OFD, City Clerk, and IT Department. Joe DeVries from the City Administrator's Office explained that he would be staffing the committee in terms of assisting with meeting logistics and that the other key departmental staff would be present on an "as needed" basis to provide input from their respective departments.

- b. Ad Hoc Committee Members

Members introduced themselves and briefly stated their interest in serving on the committee.

2. Purpose of the Committee
 - a. City Council direction

The City Council Motion from March 4th (attached) was reviewed so that the scope of work would be understood.

- b. Defining the role: DAC Policy versus Citywide policy

Although the City Council created an ad hoc committee to develop a policy for the DAC, there was discussion about the idea of a citywide privacy policy as the idea had arisen at public meetings. If the Ad Hoc Committee wishes to entertain a wider scope, an action by the City Council would need to be taken. Until such time any conversation of a citywide policy would be informational only but could lead to an official recommendation from the committee.

- c. Timeline for action

Since there were concerns about the City Council Action requiring that the committee update be provided 90 days from the March 4th meeting, and there are federal funding guidelines, the issue of when a policy is complete was considered. Joe DeVries noted that the City Council action requires merely an update so the final product is not due in June. Michael O'Brian, head of Port Security explained that the federal requirement indicates the DAC needs to begin spending operational money no later than October to ensure funds do not need be returned. The general consensus was that a policy should be ready for implementation by the early fall to meet this deadline.

3. Overview of current status of the Domain Awareness Center
 - a. Phase 1 components

Ahsan Baig from the City's IT Department gave an overview of Phase I components which included networking of computers, connecting the Port cameras to the DAC, integrating the Port Ship Tracking System, Shot Spotter, and 12 City traffic cameras. This phase was completed on June 13, 2013.

- b. Phase 2 components

Ahsan Baig went on to explain what was included in Phase II which included the City's Computer Assisted Dispatch (CAD) system, Port Tracking Systems such as the Auto tracking and Vessel tracking systems. He noted that shot spotter and the cameras that were outside of the port are being disabled as per the City Council action on March 4th.

- c. Potential future components

Joe DeVries noted that he added this section to the agenda since there have been many public discussions and speculations about what would be added to the DAC in the future. He emphasized that nothing could be added without a public process both by the Council Action, and the draft framework. He also pointed out that as there were many people advocating to limit the DAC, there were also many neighborhood and merchant groups interested in connecting their camera systems to the DAC to improve safety in their areas. He suggested the policy should have a way to consider future uses or the policy will become unworkable quickly.

4. Key Topics of Discussion
 - a. The current Policy Framework
 - b. The role of a Privacy Policy/Officer
 - c. Information Sharing Agreements
 - d. Penalties for misuse of the system
 - e. Auditing and transparency

The current framework was reviewed and several comments were made regarding need to define the Broad Principles of the DAC so they are clear. Other issues identified that require further exploration include the use (and definition) of analytics, the Third Party Doctrine and how it impacts the City's ability to protect the data, and what the qualities and authority of a Privacy Officer should be.

There was a request of staff to look into information sharing agreements with federal and other outside agencies and prepare those agreements for re view at a future time by the committee.

5. Determining Committee Structure
 - a. Election of a Board Chair/Vice Chair

The Committee temporarily elected Jesper Jurcenoks and Brian Hofer as Interim Co-Chairs for the purpose of developing the agenda for the next meeting.

b. Meeting schedule

The next meeting will be held on May 8th, 2014 at 6pm.

c. Setting the agenda

The group deferred to the interim co-chairs to develop next week's meeting agenda.



**Domain Awareness Center
Ad Hoc Advisory Committee on Privacy and Data Retention**

May 8th, 2014

**Hearing Room 2
1 Frank H. Ogawa Plaza, 1st Floor
6:00 PM**

Meeting Minutes

Members Present: Chairperson Jurcenoks, Vice Chair Hofer, Members Chan, De Loa, Harris, Wactor, Wolff, Aestetix, and alternate Cagle (Lye).

Members Absent: Gray and Brill

1) Election of Chair and Vice Chair

*The meeting started at 6:14pm with the introductions and brief background of each member
The committee conducted the selection of Chair and Co-Chair, Jesper Jurcenoks (JJ) was elected as the
Chair and Brian Hofer was elected as the Co-Chair*

2) Discuss and select a date for delivery of a completed policy to the city. (Sept/Oct 2014)

*The group discussed the need to be thorough which prevents the work from being done by June (as was
suggested by the Port) but also the need to be efficient and not drag the process out indefinitely to avoid
losing federal funding by missing implementation deadlines.*

Therefore, by consensus, it was agreed that the goal for a final product would be September.

3) Discussion of intended outcomes

a) Privacy policy for DAC addressing at least (but not limited to):

- i) Information Sharing Agreements
- ii) Penalties for Abuse
- iii) Auditing
- iv) Data Retention
- v) Analytics (Currently not part of the DAC - we could preempt future policy work on this by having an opinion.)
- vi) Protection of Whistleblowers

Member Aestetix noted that under Data Retention, the committee must include **Data Security** to address data breaches and how the City will protect against them.

Member Cagle provided a letter for the record regarding this topic that is attached to these minutes for review. He explained that the intent is to address "purpose specification" which is a term coined 30-40 years ago by the federal government to help clearly define programs and reach conclusions about topics such as data flow and retention periods.

Another component that was added was providing appropriate ways for the public to have access to the data and ensuring the City remains responsive to **Public Records Requests** while still safeguarding privacy of individuals. Last, the committee discussed ongoing evaluation and noted that the above list is not exhaustive and could change over time.

A public speaker noted that dispute resolutions between third parties could be the cause of many Public Records requests and the Chair also noted that data could be used to prove someone's innocence (as opposed to guilt) and therefore the policy around Public Records requests becomes even more significant.

The Committee unanimously agreed that the policy would address all of the above mentioned items (i through vii) as well as **Data Security, Public Records Requests** and within that context, **third party dispute resolution**.

- b) Recommendation on the scope of a Privacy Policy: Should the City have a privacy policy for other city functions outside of the DAC and if so, what guidelines should be established for drafting such a policy

The Committee discussed the scope of their work and Member Chan asked if the Committee had the authority to develop a policy for anything outside of the DAC. It was noted that in order to do so would take an action by the City Council and short of that, the committee's work is DAC specific. Several members indicated a desire to see what other cities have done and if there are best practices for this type of policy the city can look at such as Boston, New York, or Los Angeles.

The Committee unanimously supported a motion to provide the City a formal recommendation regarding their scope by the end of the DAC Privacy Policy development.

- c) Recommendation for a City Privacy Officer (selection, responsibilities etc.)

Member Harris asked what the argument in favor of a Privacy Officer entailed. Vice Chair Hofer explained this is a high level person with the authority to resolve disputes, conduct audits, receive and investigate complaints, and determine appropriate access to records and data. Member Harris asked about the cost associated with an officer and Member Chan noted that the need for a Privacy Officer is both a trust issue and a budget issue for the City.

Deputy Police Chief Breshears pointed out to the group that they need to consider the role of a privacy officer in ensuring the effectiveness of the DAC and the impact any proposed restrictions would have on that effectiveness.

The Committee unanimously passed a motion to provide a recommendation to the City on whether or not to have a Privacy Officer.

4) Agree on structure for writing the DAC Privacy and Data retention policy:

Proposal: Start with the high level values and objectives, then move to Strategies for implementation.

(a) High Level:

- (i) Core values/Unbreakable principles (constitutionality, Transparency, Presumption of innocence etc.)

These Core Values were discussed and Member Hofer asked if Civil Liberties should be added. Member Harris noted everything done should be constitutional but added that Safety, Protection of Oakland's People should be added as well.

Member Chan suggested that Efficiency should be included. He wants to ensure the City is getting its money's worth out of this investment and that it ultimately reduces crime.

By consensus the following values were included: Constitutionality, Transparency, Presumption of Innocence, Safety of Citizens, Efficiency (in terms of cost/value of system), the ability to amend the policy, Civil Liberties and the Right to Privacy.

- (ii) Objectives (what is the City trying to achieve with the DAC?, what kind of emergency response could use a DAC, what is significance to port security etc.)

Deputy Police Chief Eric Breshears spoke about how OPD could utilize the DAC in its efforts at reducing crime and gave some real life examples of where the DAC could be useful. He also explained a bit of the historic thinking as to why the City entertained expanding the role of the DAC beyond Port Security. He noted that because this state of the art system would be available and staffed at all times and that Port security breaches or major emergencies happen infrequently, the City saw an opportunity to maximize the DAC's value by using it on a regular basis for crime reduction. This serves a secondary goal of keeping staff trained and experienced using the technology (which better prepares them when there is a major emergency). It also could help make emergency response faster in a number of scenarios where currently the City doesn't incorporate this type of technology.

Michael O'Brian, head of security for the Port of Oakland discussed the Port's needs including protecting infrastructure like bridges, roads, ferries, and that the Coast Guard has itself trained to monitor the water but that Port and land security include much more than the water. He noted that when the Coast Guard issues a Tsunami warning, there are many procedures that are needed on land involving many agencies and having real time data from disparate sources merged into one location could be extremely beneficial at saving lives.

Both Michael O'Brian and DC Breshears touched on the data retention issue noting that their need to retain data beyond a short window is limited. Because the "real time" information is crucial during an event, and an investigation (such as for a shooting) will gain access to the data within a few hours or days, OPD and the Port do not want to retain the data for extended periods. It was noted that this long term data retention issue is a problem with state law, not the desire of the local agencies.

Battalion Chief Darren White from the Oakland Fire Department also presented on several ways his team could utilize the DAC. He cited examples such as the tanker truck that overturned on the 880 a few years

ago, plane crashes into the bay, the Cosco Busan ship accident, and other MCI's or Major Critical Incidents.

Chairperson Jurcenoks asked BC White his thoughts in regard to data retention and it was explained that for fire investigations, old data is actually very important to the Department.

Member Hofer asked about the difference between the DAC and the EOC. He would like staff to create a list of priorities that the Fire Department would use the DAC for versus an EOC activation. He asked what the smallest incident the Department could conceive of needing the DAC for.

- (b) Detailed Strategies for how the City will meet the DAC objectives without violating the core principles.*
- (c) Operational Strategies for how the City will implement the strategies*

These final two items were discussed, in part, during the previous item. Next the committee had a brief discussion regarding the sub-committees and how it works in the realm of Brown's Act.

It was noted that the Committee needs to develop a schedule as required by the Sunshine Ordinance and that schedule will be determined at the next meeting.

Next Meeting: May 22nd, 6pm.



Domain Awareness Center
Ad Hoc Advisory Committee on Privacy and Data Retention

May 22nd, 2014

Hearing Room 4
1 Frank H. Ogawa Plaza, 2nd Floor
6:00 PM

Draft Meeting Minutes

Chairperson Jurcenoks called the meeting to order at 6:07pm and asked staff to conduct roll call.

Members Present: *Chairperson Jurcenoks, Vice Chair Hofer, Members Chan, De Loa, Lye, Wactor, Wolff, Aestetix, Grey, and alternate Cagle (Lye).*

Members Absent: *Harris and Brill (Brill alternate Rich Johnson was in attendance).*

1. Approve Minutes from May 1 and May 8 meetings.

Member Lye asked that the minutes reflect which committee members were present/absent at each meeting and with that one correction the minutes from the May 1st meeting were approved unanimously.

Before the approval of the May 8th Minutes a discussion ensued regarding the Brown Act and whether a small group of members could meet and discuss the work of the committee without violating the Brown Act. The City Attorney researched the Brown Act while the meeting continued and determined that as long as it was less than a quorum (6 members) that it was okay to meet.

The May 8th Meeting Minutes were approved unanimously with the same modification requested by Member Lye regarding the listing of attendees.

2. Discussion of timeliness of meeting minutes - Jon Wactor

Member Wactor asked that the minutes be sent out more quickly to remind people of when the next meeting is and what action items need follow-up between meetings. Chairperson Jurcenoks noted that without timely minutes, members who are absent today will not be aware of when the next meeting takes place until 72 hours before the next meeting. Member Gray also shared the concern that some items that are discussed need faster action than is possible if the minutes are not sent until 72 hours before the meeting. Joe DeVries stated his preference as staff is to send one packet out but several members noted they would rather get the information faster and in sections as opposed to waiting.

Chairperson Jurcenoks made a motion to direct staff to prepare and send the meeting minutes within 3 business days of the meeting's completion. Member De Loa seconded the motion and it passed unanimously.

3. Work Plan discussion on how we reach our objectives in time - Draft by ACLU (Attachment 1)

Member Lye introduced a letter (attached) suggesting an order to which the committee conducts its work. Member Wactor suggested that the meeting schedule be determined before the work plan discussion takes place since the two will impact each other significantly. After some discussion it was decided to keep the agenda in order and continue with this item. Member Wactor is concerned about the meeting running over without a decision on scheduling. Member Lye suggested that time limits be placed on each agenda item in the future to better manage time.

Member Lye went on to review the letter highlighting that the committee needs memorialize the mission of the DAC and to that end the committee should enter into an Information Gathering Stage, bringing forward people with issue expertise (such as the State Attorney General's Office and Technology experts) before breaking into committees, or "putting pen to paper" in crafting a policy.

Member Gray commented that the Privacy and Data Retention are two distinctly different areas that need to be addressed separately. Chairperson Jurcenoks agreed but also noted that the committee was charged with addressing both issues. He raised concern over the information gathering stage slowing the overall work of the committee. Member Lye agreed that other parts of the work could move forward as long as there was flexibility in that new information could cause the work to change course. Her biggest concern being that once a policy is starting to be drafted, personal ownership over the draft sometime makes people reluctant to start over or modify what has already been done.

After some discussion about balancing the need for information and creating a final work product in a timely manner Member Lye made a motion to proceed with the evening's agenda (including Item 6 which is in fact a beginning draft) but that the next month be a focused information gathering period. Member Wolff seconded the motion and it passed with Members Chan and Wactor abstaining. All others voted yes.

4. Determination of Regular meeting Schedule (Required by Brown Act)

The Committee voted to conduct its meetings on the second and fourth Thursdays of every month from 6 to 8pm. Member Gray (who has a conflict on one night) abstained.

5. Principles in EFF 2014 report "Who has your Back" and how they could apply to the Oakland DAC? - Brian Hofer (Attachment 2) link: <https://www.eff.org/files/2014/05/15/who-has-your-back-2014-govt-data-requests.pdf>

Vice Chair Hofer led the discussion regarding the document from the Electronic Frontier Foundation and emphasized the score card listed on pages 5 and 6 of the report as items of significance he would think should be under the purview of a Privacy Officer. Although the score card is referring to private companies he sees significant transference of the ideals expressed and believes they can be applied to the committee's work.

After some discussion about how the City would be rated on a "score card" such as whether the city would fight federal attempts at gaining access to the data, Vice Chair Hofer made a motion to "suitably" add the Electronic Frontier Foundation's six evaluation criteria as goals for the DAC Policy. Member De Loa seconded the motion and it passed unanimously.

6. Presentation, discussion and approval of the current draft of the DAC policy - Jesper "JJ" Jurcenoks (Attachment 3)

After reviewing the document several suggestions were made:

Member Wactor suggested making item #2 the first item (Core Values) and merging item #1 with item #5. He also recommended making item #3 more narrative and if there was a good clear narrative of the purpose of the DAC. Joe DeVries noted that there were a variety of narratives about the DAC in various reports.

Chairperson Jurcenoks and Member Wactor stated a clear goal of having a well written narrative purpose to make it clear and concise and to avoid things like mission creep is vital.

Member Lye noted that "Privacy" and "Civil Liberties" need to be added to the list of core values. There was some discussion about constitutionality covering privacy but a counter point was made that civil liberties and privacy are not clearly captured under the broad heading of constitutionality.

Member Wactor commented that "Balance of all Principles" should also be added.

Member Lye made a motion to add "Privacy and Civil Liberties" as item g. and Member Wactor offered a friendly amendment to add "Balance of all Principals" as item h. in the policy. Member De Loa seconded the motion and it passed unanimously.

7. High Level Strategies for reaching the DAC Purpose while respecting the Core Value/Unbreakable Principles.

As time ran out, this item was skipped. However, there was discussion about bringing information forward.

Member Wactor made a motion that anyone requesting information, send those requests to Joe DeVries by May 30th so that staff has time to gather the information. Member De Loa seconded the motion and it passed unanimously.

Member Chan also noted that in regard to vacant seats, a note should be sent to the City Council suggesting better gender diversity on the committee if possible.

8. Open Forum

Brian Geiser addressed the committee noting that although the City and Port are concerned about losing specific grant funding for this project due to federal funding guidelines, the federal government is very interested in localities building these systems so there will always be money available.

The meeting adjourned at 8:20pm.