

CITY OF ALAMEDA RESOLUTION NO. _____

ESTABLISHING A PRIVACY POLICY, DATA MANAGEMENT
POLICY AND PROHIBITING THE USE OF FACE RECOGNITION
TECHNOLOGY

WHEREAS, the Council of the City of Alameda finds and determines that:

- A. The City Council of Alameda has an obligation to maintain the public's trust in how the City collects, manages, and uses the public's personal data and the City Council is committed to protecting the integrity of all personal data.
- B. Data is a key asset in meeting the demands of a 21st century government, proper data management can add value to the work of the City, but to deliver better outcomes, data must be proactively managed and maintained much like the City's capital and financial assets.
- C. The use of face recognition technology has the potential to be intrusive and impactful on residents, workers and visitors privacy in the community, resulting in the need to clearly state the City's position on the use of this kind of technology.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALAMEDA AS FOLLOWS:

Section 1. The City of Alameda Privacy Principles are attached as Exhibit A.

Section 2. The City of Alameda Data Management Policy is attached as Exhibit B.

Section 3. The Prohibition on Use of Face Recognition Technology is attached as Exhibit C.

Section 4. This Resolution is effective immediately upon its approval.

Exhibit A

CITY OF ALAMEDA PRIVACY PRINCIPLES

1. Overview

Alameda is a diverse city with a history of active civic participation on issues of privacy and surveillance. As we evolve, it is imperative that we learn from both the positive and negative aspects of our past to build our future. Progress at the expense of personal privacy and safety is unacceptable. We recognize the need to protect the privacy of all Alameda residents as city services incorporate emerging technologies.

Privacy is a fundamental human right, a California state right, and instrumental to the safety, health, and security of all Alameda residents, and access by all Alameda residents to city services. The residents of Alameda have a right, regardless of the source or purpose, to know how their personal data collected by the City is being used. We seek to safeguard the privacy of every Alameda resident in order to promote fairness and protect civil liberties across all of Alameda's diverse communities. In all situations, we pledge to handle personal information in a manner that builds trust and preserves privacy and safety of all Alameda residents. The following Privacy Principles guide our actions.

2. Design And Use Equitable Privacy Practices

Community safety and access to city services should not come at the expense of the right to privacy. We aim to avert inequities by collecting information in ways that do not discriminate against any resident of Alameda or any Alameda community. When possible, we will offer clearly communicated alternatives to the collection of personal information at the time of collection.

3. Limit Collection And Retention Of Personal Information

We believe that we should collect and store personal information only when and for as long as is justified to directly serve the specific purpose for which it is collected, such as to protect the safety, health, or security of Alameda residents or access by Alameda residents to city services. We will continue our practice of reaching out to Alameda residents for their views on the information we collect and how we use it. We also will look for new opportunities for outreach.

4. Manage Personal Information With Diligence

The personal information of Alameda residents should be treated with respect. We will handle all personal information in our custody with care, regardless of how or by whom it was collected. To maintain the security of our systems, we will review and regularly update software and applications that interact with personal information of Alameda residents. Further, we recognize that deletion,

encryption, minimization, and anonymization can reduce misuse of personal information. We aim to make effective use of these tools and practices. Additionally, we will combine personal information gathered from different departments only when we must.

5. Extend Privacy Protections To Our Relationships With Third Parties

Our responsibility to protect the privacy of Alameda residents extends to our work with vendors and partners. Accordingly, we share personal information with third parties only when necessary to provide city services, and only when doing so is consistent with these Principles. We will only share data without disclosing the recipient when it is required by the law.

6. Safeguard Individual Privacy In Public Records Disclosures

Open government and respect for privacy go hand-in-hand. Providing relevant information to interested parties about our services and governance is essential to democratic participation and civic engagement. We will protect the individual privacy interests of Alameda residents and the City's information security interests while still preserving the fundamental objective of the California Public Records Act to encourage transparency.

7. Be Transparent and Open

The right of Alameda residents to privacy is furthered by the ability to access and understand explanations of why and how we collect, use, manage, and share personal information. To that end, we aim to communicate these explanations to Alameda communities in plain, accessible language on the City of Alameda website. We also aim to communicate this information at a time when it is relevant and useful.

8. Be Accountable To Alameda Residents

Trust in our stewardship of personal information requires that we collect and manage personal information appropriately, and that we create opportunities for active public participation. We aim to publicly review and discuss departmental requests to acquire and use technology that can be used for surveillance purposes. We encourage Alameda residents to share their concerns and views about any system or department that collects and uses their personal information, or has the potential to do so. We also encourage Alameda residents to share their views on our adherence with these Principles.

Exhibit B

DATA MANAGEMENT POLICY FOR THE CITY OF ALAMEDA

1. Purpose and Scope

The purpose of this data management policy is to create guidelines under which the City of Alameda ("City") can proactively store, manage, and use data. Data is a key asset in meeting the demands of a 21st century government, and proper data management can add value to the work of the City in order to deliver better outcomes. The City collects personal information from the public to assist in providing important services such as recreation programs, recycling and waste management, street and landscaping services, permitting, and water delivery. The City is committed to protecting the privacy and integrity of public personal data and seeks to strike a fair balance between gathering information that will assist the City in better providing services and protecting the public's privacy, while also complying with the State Public Records Act and the City's Sunshine Ordinance. This data management policy seeks to explain how and why information is collected from the public and how that information is stored, managed and used by the City.

This policy applies to all information resources operated by the City and its departments. Elected and appointed officials, employees, consultants, and vendors working on behalf of the City are required to comply with this policy. This policy does not apply to information collected by the City for public safety purposes. Due to the individualized and serious nature of emergency response efforts, a variety of personal information may be collected by first responders and other personnel as needed. Such data collection, use, and disclosure practices are subject to separate policies and fall outside the scope of this policy.

2. Data Collection

The City collects different kinds of data from the public to assist in conducting City operations. This information is collected in person, over the phone, through social media, the City's website, electronic communications, and by paper.

Below are some examples of the types of information the City collects and how it is collected.

i. Website Information

The City collects a range of personal information.

“Personal information” is information about a person that is readily identifiable to the person. Personal information includes such things as name, birthdate, address, phone number, social security number, and driver’s license number. Personal information also includes financial and/or payment card information, for example, bank account information, credit or debit card numbers, or other billing information, that a person may provide to sign up or pay for City services.

Cookies are pieces of information generated by the City’s web server and stored (temporarily) on the end user’s computer to facilitate the current website visit. In the event a cookie is used, its use will be transient in nature and will apply only to the website visit in progress. Generally, if a person chooses to, the person may disable cookies through browser settings. (For example, in Google Chrome, under settings, privacy and security, content settings, a person may elect not to allow sites to save and read cookie data and/or block third-party cookies; a person may also choose to see all cookies.) Disabling cookies, however, may mean that the person is unable to use certain features of the City’s website.

The City does not generally use cookies or other tracking technology to track its users across websites or over time, nor does it permit third-party ad networks or other companies to track users on the City’s website.

The City generally collects no personal information about visitors to the City’s website unless it is voluntarily provided by sending an email, participating in a survey, completing an online form, or engaging in an online transaction. Certain user-specific features of the web site may not be accessible without providing personal information.

A person’s browsing, reading pages, or downloading information on the City website means certain information will be collected, aggregated and used for analytical and statistical purposes to help better manage the site. When a page on the site is visited, information may be automatically collected and stored through the use of cookies and other similar tracking technologies. Examples of the information that may be collected and stored are:

- The internet domain and Internet Protocol (IP) address from which the City’s website is accessed;
- The type of browser and operating system used to access the City’s website;
- The date, time and duration of the visit, as well as the general geographic location of the device from which the visit is made;

- Derived demographic information;
- The web pages and/or services accessed during the visit, as well as any applications used and forms data; and,
- The address of the other website through which the City website was linked

If during a visit to the website, a person participates in a survey, sends an e-mail, participates in a City hosted web-based discussion, registers an account, participates in online commerce, or performs some other transaction online, personal information will be collected including:

- Information provided while participating in a City hosted web-based discussion;
- Information volunteered in response to a survey;
- Information provided through an online form for any other purpose;
- Information submitted when participating in an online transaction with the City; and
- Information provided when registering an account.
- The information collected is not limited to text characters and may include location, audio, video, and graphic information formats the person sends to the City.

In order to provide online transaction capabilities, the name, address and payment information (if applicable) that a person provides when using the City's website may be collected and processed to complete an online transaction and for record-keeping for such activities as billing, permits, licenses and other business-related purposes. Every effort is made to protect any sensitive personal information the person provides online. For online payment transactions, the City uses a third-party payment processor that has in place industry-standard data security protocols to ensure that the payment transactions will be conducted securely. If City personnel take payment information, it is generally used only for the transaction at hand and is not kept, stored, or used for any other purpose. The City does not store credit card information on any of its servers and will not disclose credit card information to any third-party except as necessary to complete an online transaction or as required by law.

If the website is accessed through a mobile device, certain information about that device is collected. Messages sent from certain mobile devices contain unique identifiers about the physical location of such devices. Mobile devices also typically transmit caller ID data when used to transmit a telephone call or text message. Depending on the device and its settings, this information includes but is not limited to geolocation data, unique device identifiers and other information about

the type of device, wireless provider, date and time of transaction, browser type, browser language and other transactional information.

ii. Paper forms

City departments may collect information on paper forms as part of providing a government service or community engagement. When possible, forms will note what information is required to obtain a government service or participate in a government function, what information is optional, and if there are options for opting out of certain data uses, such as follow-up communications not directly related to the service being requested. City personnel will handle and store paper forms containing personal information using methods intended to ensure the security of the personal information to the extent allowable under the Public Records Act and the City's Sunshine Ordinance.

iii. Telephone calls

Individuals may contact the City via phone such as when calling a City department or staff member directly. The phone system automatically logs the phone number and other characteristics of calls to and from City numbers, such as call duration and the extension in the City that received or made a call. It is not possible to opt-out of this collection. With the exception of certain public safety emergency notifications, the City will not use a phone number to initiate a call without express prior consent.

iv. Email communications

When a person sends an email to a City email address, such as sample@alamedaca.gov, personal information that may be contained in the email message will be automatically logged including the sender information, the IP address, routing information, and email address. It is not possible to opt-out of this collection. In some cases, when the City sends an email to a user, it may contain beacons, which help the City track which emails have been opened and which links are clicked by our recipients.

3. Data Usage

The City uses collected data to provide services, protect the public's safety, meet the City's mission obligations, and determine the best use of City resources. The City aims to collect only as much information as is necessary to perform these functions and to limit information use to the purpose stated at the time of collection and to protect and improve City services.

The City may use information collected to better understand community needs and improve the efficiency, effectiveness, and equity of the City's service delivery. When performing research, the City will attempt to de-identify data, either performing analysis at an aggregate level or removing data elements containing personal information that are not necessary for analysis.

The City may use this information to contact and to respond to requests. With the exception of certain public safety emergency notifications, the City will not use a phone number to initiate a call or SMS text message without express prior consent.

Personal information provided may be used to place people on email lists used to generate emails to inform residents and others about City initiatives, programs, and events that may be of interest. Any email received as a result of being placed on such a list will provide the option to opt out of receiving future emails from that list.

The City will not sell personal identifiable information (PII) to third parties, will not profit from sharing PII with third parties, will not provide PII to governmental agencies unless required to do so by law, and will not sell aggregated anonymized data to third parties for marketing or commercial uses. If a person's information must be shared with third parties who provide services for the City, such person must be made aware through an opt in option and that the third party will be, through its contract with the City, held to the same privacy standards as the City, i.e., the third party will be contractually prohibited from sharing the information with others.

4. Data Retention

Public records created or received by the City will be retained for legal or operational purposes according to applicable laws. The City, however, will only retain personally identifiable information when it is necessary to the activity for which it is being collected. As a governmental entity, much of the information that the City collects is considered a public record regardless of format or where it is stored. The City maintains a records retention schedule indicating the standard time periods for retention of identified categories of records. A copy of the City's current records retention schedule is maintained by the City.

Exhibit C

Prohibition on Use of Face Recognition Technology

1. Definition:

"Face Recognition Technology" means an automated or semi-automated process that assists in identifying or verifying an individual based on an individual's face.

"Personal Communication Device" means a cellular telephone, a personal digital assistant, a wireless capable tablet or similar wireless two-way communications and/or portable Internet accessing device, that has not been modified beyond stock manufacturer capabilities, whether procured or subsidized by a City entity or personally owned, that is used in the regular course of conducting City business.

2. Operative language:

No City staff shall obtain, retain, access, or use any Face Recognition Technology nor any information obtained from Face Recognition Technology, except for accessing a Personal Communication Device that has been assigned to a particular staff person. City staff's inadvertent or unintentional receipt, access to, or use of any information obtained from Face Recognition Technology shall not be a violation of this section, provided that:

- a. City staff did not request or solicit its receipt, access to, or use of such information; and
- b. All copies of such information are promptly destroyed upon discovery of the information, and the information is not used for any purpose; or
- c. The information is evidence relating to the investigation of a crime.

Except for information that is evidence relating to the investigation of a crime, City staff shall log such receipt, access to, or use of any such information, and provide an annual written informational report to the City Council describing such use(s). The report shall identify measures taken by the City to prevent the further transmission or use of any information inadvertently or unintentionally obtained through the use of Facial Recognition Technology.

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I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 17th day of December 2019, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 18th day of December 2019.

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:

Yibin Shen, City Attorney
City of Alameda