

**Exhibit A**  
**Compilation of all the comments received in the public events organized by the Smart City PDX team for the development of the Surveillance Technologies policy**

**Description**

These comments were compiled during public events conducted by the Smart City PDX program. Comments were provided by attendees or people from the community either by e-mail, chat message, oral participation, or written comment in a shared document.

Names were not collected to create a space of free exchange of ideas. Minor edits were made to facilitate readability or to correct grammar.

List of Events in this exhibit:

**Community Event – December 11, 2021**

**Engagement Plan Comments - December 11, 2021 (post)**

**Policy Module #1 Discussion - March 16, 2022**

**Policy Module #1 Work Session - March 30, 2022 (Worksheets)**

**Policy Module #2 Discussion - April 13, 2022**

**Policy Module #2 Work Session - April 27, 2022 (Worksheets)**

**Policy Module #3 Discussion - May 11, 2022**

**Policy Module #3 Workshop - June 8, 2022**

**Event at the Miracles Club – Group 1 - June 14, 2022**

**Event at the Miracles Club – Group 2 - June 14, 2022**

**Event at the Sunrise Center – Group 1 (In Spanish) - June 23, 2022**

**Event at the Sunrise Center – Group 2 (In Spanish) - June 27, 2022**

**Event organized for the IRCO community – Group 1 (Remote) - June 21, 2022**

**Event organized for the IRCO community Group 2 (Division Midway Alliance office) - June 23, 2022**

**Letter from PDX Privacy – May 31, 2022**

**Community Event – December 11, 2021**

Comment	Question or topic
technologies are moving very fast - need to revisit definitions periodically and need to adapt to new and emerging tech	Technology is a constantly evolving landscape, Facing future uncertainty
Are there other ways we can future proofing this? should we admit that we can't?	Technology is a constantly evolving landscape, Facing future uncertainty
Law like and very complex- Doesn't describe how the information is used or how it could be twisted or made something harmful to me as a person or my existence. That part should be included or put somewhere else in explanations/communications	Over complicated definition loses its meaning
Public ROW - require companies/orgs that put tech on ROW available to the public for inspection; raise alarm about misuse of data	"Transparency about what data is collected, how it is used, and who has access to it", Public/private interplay, Governance
Feels like everything we do could be misconstrued or tracked. Can't anticipate how it could be used or combined. How to protect against that? When I hear surveillance, it feels scary	Use of personal information to track or identify, "Transparency about what data is collected, how it is used, and who has access to it"
Allowing this level of surveillance through this definition and policies be opening the door to something we can't anticipate or hasn't happened yet.	Technology is a constantly evolving landscape, Facing future uncertainty
How to address pieces of information that can be combined to identify someone? Web tracking and other behavior can be used to identify a person but would not be defined as traditional PII	Use of personal information to track or identify
How it shouldn't be used in decision making or predictive model? should be explicit about this. how to put guardrails around data use?	"Transparency about what data is collected, how it is used, and who has access to it", Need agreement on how surveillance data can and can't be used.
AI models that do emotion detection - making predictions about how people are feeling. obscured in definition	"Transparency about what data is collected, how it is used, and who has access to it", Addition/edit to definition
Data that can be used to identify someone, not strictly pieces of individual information that identify someone	"Transparency about what data is collected, how it is used, and who has access to it", Addition/edit to definition
Broadening a blacklist for technologies, any systems that are passive or active, systems that produce signals and or collect data. Standard of format for any information these systems can produce- list of bicycles that cross intersection not image or video, limiting formats	"Transparency about what data is collected, how it is used, and who has access to it", Addition/edit to definition
ordinances are difficult to navigate but adding some type of assessment with policy experts to revisit the definition (every year, two years, 6 months?)	Iterative Process, Governance

How surveillance technology is tied to consent. Is consent a missing piece that could be woven in? Add explicit language about this and be careful about using consent as a way of mitigating harm - people may not be aware of what they are consenting to and may exclude people from certain public spaces or benefits if they choose not to consent.	"Transparency about what data is collected, how it is used, and who has access to it", Consent
Majority of those with privilege can provide consent so consent may not go to help those without power. Is it ethical to ask for consent? By entering this public square, you consent to CCTV camera but people need access to public spaces	Consent, Equity
PBOT and ODOT does studies using at Bluetooth tech to know travel lengths and travel behaviors	"Transparency about what data is collected, how it is used, and who has access to it"
Devices or cameras on streetlights used for traffic studies (sensors with GE and AT&T) - public at large may not be aware, need additional transparency through whole cycle of project	"Transparency about what data is collected, how it is used, and who has access to it", Awareness and Education
how is data used? who has access to data? what is impact on communities?	"Transparency about what data is collected, how it is used, and who has access to it", Awareness and Education
how long is the data retained? is it retained locally or out of jurisdiction? is there a statutory limitation that personal data can be kept?	"Transparency about what data is collected, how it is used, and who has access to it", Awareness and Education
can data be used immediately for safety reasons? is it necessary to be kept for a certain period of time?	"Transparency about what data is collected, how it is used, and who has access to it"
Surveillance creates a dichotomy, information imbalance. Need to balance that out. Idea: Post links out to everyone for information out in real time. Could this work in places that for some reason community has decided they want video?	"Transparency about what data is collected, how it is used, and who has access to it", Awareness and Education
How public is using surveillance technologies, private corporations, proxy surveillance	Public/private interplay
So comprehensive hard to identify what is missing or not	Over complicated definition loses its meaning
seems so comprehensive that it loses its definition	Over complicated definition loses its meaning
breaking down the list. what devices are we talking about? what parts of our person are we trying to protect?	Addition/edit to definition
Behavioral information tracking is missing in definition and that is a concern, Impacts on human behavior and data collection around behaviors	Addition/edit to definition
Other definitions made at the federal level? Could the term PII from federal and state legislation to cover some of that in less words	Addition/edit to definition

MM waves, CT scans with radio signals, moving to be passive and don't need emitter	Addition/edit to definition
Be explicit about intention	Addition/edit to definition
It is hard to know how surveillance technologies are impacting Portlanders because there is not a lot of transparency or information about when/where we are being surveilled.	Awareness and Education, "Transparency about what data is collected, how it is used, and who has access to it"
How is data that is being collected being stored and shared?	"Transparency about what data is collected, how it is used, and who has access to it"
Parking downtown, needing credit card information. Including documenting car license and car location. Parking Kitty. Who manages this data?	Need agreement on how surveillance data can and can't be used., Public/private interplay, "Transparency about what data is collected, how it is used, and who has access to it"
if the city can regulate traffic etc., could they say if you get into an accident/run a light etc. as a driver for amazon/FedEx etc., it's not you but your employer who has to pay... and they have to pay double. (would it backfire on employees though?)	
It is hard to know how surveillance technologies impact us because we are not informed.	Awareness and Education, "Transparency about what data is collected, how it is used, and who has access to it"
amazon warehouse workers/FedEx drivers are exploited by surveillance--that's why they literally run from the van to the house. Those warehouses are in city limits; trucks create accidents b/c they are so hurried.	Public/private interplay, Employer surveillance
OSHA angle for employer surveillance. Is surveillance causing unsafe conditions?	Public/private interplay, Employer surveillance
Surveillance making labor conditions inhumane and as a result, unsafe	Public/private interplay, Employer surveillance
Class element, lower income jobs perhaps more surveilled?	Public/private interplay, Employer surveillance, Equity
2020 protests - extra surveillance, drones/helicopters. Not enough transparency around this issue.	"Transparency about what data is collected, how it is used, and who has access to it"
Public/private partnerships - private companies working with police and other public agencies. How are these companies contracted, is the public allowed to weigh in?	Public/private interplay, "Transparency about what data is collected, how it is used, and who has access to it"
Personal cameras, ring cameras etc. Amazon sharing video data in instances where Amazon is hosting the video services.	Public/private interplay, "Transparency about what data is collected, how it is used, and who has access to it", Consent
Personal cameras (porch cameras) surveilling people, especially problematic when they are surveilling outside of their property. Personal cameras should not be used to surveil in a public way or in public spaces. Especially without notice to those being surveilled.	Public/private interplay, "Transparency about what data is collected, how it is used, and who has access to it", Consent

When data is collected but not used ethically/equitably, it can cause harm	"Transparency about what data is collected, how it is used, and who has access to it", Use of personal information to track or identify, Equity
Data retention - how long is the data kept? Data can be used to criminalize targeted populations.	"Transparency about what data is collected, how it is used, and who has access to it", Use of personal information to track or identify, Equity, Acknowledging and/or mitigating harms
Where are data collected? Why is surveillance happening where it is happening? Is the location of surveillance technologies more common in certain neighborhoods? What are potential impacts on the communities in these locations.	"Transparency about what data is collected, how it is used, and who has access to it", Equity
when injustices do show up, what is a citizen's due process in correcting such mistakes- how much responsibility does the city have once a policy is formed?	Iterative Process, Governance
biased data categorizing people in harmful ways- targeting people unfairly	Equity, Acknowledging and/or mitigating harms
What information can be sold from public sector to private sector? Including information between local/federal governments. Also, accountability for data collected by private sector.	Public/private interplay, Governance, "Transparency about what data is collected, how it is used, and who has access to it"
In schools - facial recognition ban should cover all schools including public schools. Eye monitoring should only be used in certain situations (ie cheating), and can only be kept for a certain time period. Fear of data mining.	School surveillance
Eye monitoring for higher education to monitor things like cheating.	School surveillance
City use privacy-respecting tools (example of Zoom or other meeting software). Or at the very least, include information for participants about how their information is used if they participate.	Consent, Public/private interplay, "Transparency about what data is collected, how it is used, and who has access to it"
looking where things aren't obvious- what contracts with private parties does the city already have- what are their privacy policies and how do they differ from the city's (once we create a policy)	Public/private interplay, Need agreement on how surveillance data can and can't be used., "Transparency about what data is collected, how it is used, and who has access to it"
k-12 does monitor - gaze protection, head pose. Can make claims about emotional state. This can also happen in employment situations.	Employer surveillance, School surveillance
For health care or health data - people should always be asked for consent.	Consent
Ordinance written in a way that prohibits collaboration with ICE	Governance, Equity
Privacy impact assessments can provide more transparency about the intrusion into privacy. Looks into ethics, equity, and other impacts	Equity, Governance, "Transparency about what data is collected, how it is used, and who has access to it", Acknowledging and/or mitigating harms

whatever structure(s) is/are created, it should be transparent (it's easy to see/find), well-organized (it makes sense where/how it fits in the City), and center frontline leadership (with whatever incentives/supports are needed)	Governance, Accessibility
Accountability and costs associated to this work. The city needs more infrastructure and where those resources come from	Cost/feasibility
How such prohibition can be enforced?	Public/private interplay
How much harm is done through the city and procurement process. Policing. and thinking about the broader private sector. Where the biggest harms actually are.	Public/private interplay
Commitment to people sense of safety. Some people think surveillance can bring that.	Public perception
Understand where the cameras are.	"Transparency about what data is collected, how it is used, and who has access to it"
People in committees become gatekeepers.	Accessibility, Public Participation
Public gathering. Democracy in action. People can jump in when they are directly impacted	Public Participation
share disclaimers at entry ways/electronic, or physical and give time frames for how long data is retained. I know the policy is collected and retained but for how long. Be clear and precise with the public about how long, where it is stored and who it is shared with and why?	"Transparency about what data is collected, how it is used, and who has access to it", Accessibility
Data that gets collected. the feeling is that the more we know, the better we can serve. But that brings a risk of losing that data. We collect only what we need.	"Transparency about what data is collected, how it is used, and who has access to it", Need agreement on how surveillance data can and can't be used.
The idea of using surveillance to control people. Justify surveillance as public safety and then use as a weapon against black people.	Equity, Use of personal information to track or identify
Typical structure for community participation, Events clearly open to the public. Some voices may dominate constantly. Create a good cycle of voices. Without necessarily having the same people providing input	Iterative Process, Public Participation
Create information in laymen terms people who have thorough understanding of digital justice talk about it very easily and it can sometimes sound like another language to me.	Accessibility, Awareness and Education
There are times where tech can help and do public good. like in emergencies	
Question: super interested in the relationship between City procurement and (disparate/negative) tech impacts on frontline communities	Public/private interplay, Equity, Acknowledging and/or mitigating harms
Participation and educate different communities. What do we talk when we mention surveillance technologies?	Awareness and Education, Accessibility, Public Participation, Public perception

Community needs to participate actively in procuring ST that impacts them	Public Participation
Outreach and what community need to know and have access?	Public Participation
look into the financial impacts to the city of having a privacy office, Having a city office of a group dedicated just for privacy issues	Cost/feasibility
community - houseless, drug addicts, how it is affecting them now and the future. Explain to the community	Public Participation, Public perception, Accessibility
What is we are lacking as a society that makes us think that we need surveillance	Public perception
what would privacy policy oversight look like for gov. procurement and surveillance tech used by the city. Standards of privacy policy before agreeing on a contract	Need agreement on how surveillance data can and can't be used., Public/private interplay
Paying someone for the time. There is a way to demonstrate fair compensation. - The city has stipends for committee members	Public Participation
Data needs to be explicit on how data should not be used. This is the data we collect and why. it can be challenging, but can be valuable	"Transparency about what data is collected, how it is used, and who has access to it"
I like what I heard.... paying people creates equity ...if you expect these roles to have non-value.... you get a collection of privileged people who can "afford" to be there. While those who can't afford to be there aren't	Public Participation, Accessibility
Experts are in the zone and may not think holistically. They may not think about the impact of tech. Defining what is the impact of tech. the expert model is limited. communities impacted the most need to be there	Public Participation, Equity
Other factors are the new shinning thing to be use. Use tech instead of human beings.	Public/private interplay
We need to think how long information needs to be retained.	"Transparency about what data is collected, how it is used, and who has access to it"
Thinking about privately owned surveillance. like in gas stations. People should not be surprised that they have been surveil. Identifying the purpose of the surveillance. And it should be advertised.	Public/private interplay, "Transparency about what data is collected, how it is used, and who has access to it"
I'm also curious about when the city licenses vendors to provide services to Portland residents (e.g., e-bikes, ride share, &c), services which themselves could involve surveillance	Public/private interplay
yes, private entities should be regulated b/c they are the ones who do much of the everyday harms-- cameras in retail environments regularly run (binary only) gender recognition, age, etc. even specific clothes!	Public/private interplay
all public cameras (owned public or private) should not just come with notification, but also what data is extracted--we need transparency at the level of what is being detected (a face, my race, my pose, etc.)	Public/private interplay, "Transparency about what data is collected, how it is used, and who has access to it"

<p>remote work and gig work, schools, there is a lot of techs that is not properly safeguarded. Surveil by companies, warehouses, workers.</p>	<p>Public/private interplay, Employer surveillance</p>
<p>if it involves the unknowing or lack of Individual permission of the public then absolutely.</p>	<p>Public/private interplay</p>
<p>What are the practices of a specific vendor and third-party companies that provide the surveillance service? Who else access that information. Can they sell my image to a third party? It is beyond the immediate use.</p>	<p>Public/private interplay, Use of personal information to track or identify, "Transparency about what data is collected, how it is used, and who has access to it"</p>



### Engagement Plan Comments - December 11, 2021 (post)

Comment	Question or topic
<p>-Consider providing a way for stakeholders and participants to connect with each other outside of these sessions to be able to build power and relationships that can extend beyond the framework of this effort. It is so much harder to make these connections in web-based format.</p> <p>-It's unclear how you will report out on community priorities at the City Bureau session without having yet gone through the listening session. Should those two be swapped? I also get nervous when community members are left out of the room while decision makers talk with each other. Wondering if the Community Leads might join the Bureau kick-off and report back on the listening session themselves.</p> <p>-Get multiple generations involved. Youth will have perspective of being embedded in digital space while elders will have the context of what came before.</p>	<p>Engagement Work Plan (Page 4 -13)</p>
<p>Thank you for the opportunity to read and provide feedback on the engagement plan. After reviewing, I have more questions than comments at this time:</p> <ul style="list-style-type: none"> <li>- What are the specific surveillance issues currently impacting City government and/or the people of Portland?</li> <li>- Background (page 1): Were the priority communities named in item #1 identified in the June kick-off meeting? Are these communities the most impacted by government use of surveillance technologies (page 9)? Or by private use of surveillance? How do you know this?</li> <li>- Background (page 1): How was the design justice methodology selected? Why does this methodology suit our community?</li> <li>- Timeline (page 3): What does harm reduction mean within the context of a city-run community engagement project?</li> <li>- Goal: "Provide an understanding of the impacts of different surveillance technologies and what other city surveillance policies can and cannot do" (page 9): Is this something that City staff already know? Or will this information be generated as part of the engagement process?</li> <li>- Engagement Work Plan: Is it expected that mostly the same individuals will attend each event, or different people will attend individual events? If the latter, it will be important to clearly set the stage each time, repeating the reason and framing for this project, and realistically will require taking participant input on the whole project, not just the specific topic at hand, as people may have questions and ideas as they engage with this work for the first time - like me, reviewing this :)</li> <li>- Work plan (pages 10-13): Who are "All the community networks"? Is that the folks listed under "Involve" and "Consult" on page 9?</li> </ul> <p>Overall, the plan appears to be very thoughtful, open to community feedback, and willing to adapt based on that feedback. That's exciting. The goals and methods are mostly clear, as they relate to community involvement. But the "what" and "who" of surveillance is not clear. What aspects of surveillance do you seek community input on?</p>	<p>Engagement Work Plan (Page 4 -13), Background (Page 1-2), Engagement Process and Timeline (Page 3)</p>
<p>I am happy to see expanded and specific definitions of marginalized community members to be consulted in this process! More of an appreciation than substantive feedback.</p>	<p>Engagement Work Plan (Page 4 -13)</p>

**Policy Module #1 Discussion - March 16, 2022**

Comment	Question or topic
What about surveillance associated w/ technologies where city is in partnership with a private entity or a private entity competes for a license to provide a svc in the city (e.g., biketown)	Technologies that are important to include in an inventory
@ Similar to what one commenter said about “any technologies used/required to apply for public benefits, permits, facilities, &c”, likewise technologies required to submit information to the city, e.g., Zoom or Google Docs being used for this meeting, should be included in the inventory.	Technologies that are important to include in an inventory
Remote meeting tech, license plate readers	Technologies that are important to include in an inventory
Use of drones by office of DA or Sheriff - are these exempts?	Technologies that are important to include in an inventory
include: any technologies used/required to apply for public benefits, permits, facilities, &c	Technologies that are important to include in an inventory
Drones used by any bureaus - decisions have yet to be made	Technologies that are important to include in an inventory
Any cameras in public spaces should be inventoried and identified with clear signage, along with information on where to contact the city around the use of data, I think	Technologies that are important to include in an inventory
Tri-met and city partners should be included in these inventories, in my opinion. Any entity that is participating in a public-private partnership should be included in this policy.	Technologies that are important to include in an inventory
County Sheriff and DA offices would not be affected by a city ordinance, but as a general matter it’s important that police and prosecutor use of surveillance technology is included in the inventory. These uses are some of those that have historically been abused the most and that community members are most concerned about. Concern about “active investigations” should not prevent these uses from being inventoried – accounting for what technologies are being used and how in general terms.	Technologies that are important to include in an inventory
Surely in case of “emergency” use of surveillance technology, these can and must be inventoried after the fact.	Technologies that should be exempted from an inventory
For exemptions due to emergencies- how would this work in relation to protests, or large gatherings of people?	Technologies that should be exempted from an inventory
What is the accountability mechanism in circumstances when surveillance is used in "emergency" situations?	Technologies that should be exempted from an inventory
Signage is important for transparency and can decide if they want to be at that space. I agree where the signage is should allow folks to opt in or out to be in that space.	Surveillance Tech Signage
Signage that is readable from a distance!	Surveillance Tech Signage

Signage should not be surveilling us before we have the chance to consent	Surveillance Tech Signage
Signage is important for transparency and can decide if they want to be at that space. I agree where the signage is should allow folks to opt in or out to be in that space.	Surveillance Tech Signage
Opting out is difficult. Those who don't want to participate are the ones more at risk	Surveillance Tech Signage
I feel like any surveillance systems that can retain PII (personally identifiable information) and create a pattern of behavior or association for citizens must be identified and inventoried. This is essential because we cannot opt-out of a public surveillance system, and the threat to democratic expression is huge if patterns of association can be determined backward into the past at a future date.	Other concerns around surveillance tech
City police are the ones in charge of these protocols	Other concerns around surveillance tech
Q: If a technology is in the inventory, will it be part of the governance? - A: That is the idea, yes	Other concerns around surveillance tech
Where and how much surveillance technology are by zip code to get to equity issue.	What should be included in an annual report?
Some bureaus may be less relevant and not have the ability to report, due to lack of capacity	What should be included in an annual report?
Focus on bureaus where there would be the most harm to communities	What should be included in an annual report?
Community report back and engagement should be considered in this conversation, and make sure that resources and time are allocated for that	What should be included in an annual report?
Frankly, heavy reporting becomes a weight against expanding these systems unnecessarily, however also. If there is a burden for reporting, then it becomes less likely that systems will proliferate without a specific purpose, because every use must be justified. I like that, and I want attorneys and privacy advocates to have the information they need to keep us informed.	What should be included in an annual report?
Would definitely want community voices in the report, and in addition to look at surveillance by zip code, surveillance impact by specific communities	What should be included in an annual report?
Include the community within the annual report	What should be included in an annual report?
I'd like to see justification for every use and specific information around data retention periods and why data retention is necessary. Preferably, I'd like to see strict limits on data retention of any kind.	What should be included in an annual report?
maybe some bureaus might report less often than annually, while some might report more often.	What should be included in an annual report?
What is this about data retention periods and state law? There are state laws regarding retention periods for some specific things, but is there really a state law that speaks to retention periods for all types of data in all situations?	What should be included in an annual report?

Community should be a part of writing this story and providing oversight on how this report is created	What should be included in an annual report?
clarification - State law has some bearing on how long data is retained	What should be included in an annual report?
Depends on other safeguards in place for data security and privacy.	In what type of situations should these exemptions take place and when should they not?
I'm concerned that exceptions for emergencies can become clever ways to avoid reporting when things are uncomfortable. Emergency declarations can be used to justify invasive policies that later can become entrenched.	In what type of situations should these exemptions take place and when should they not?
Surely in case of "emergency" use of surveillance technology, these can and must be inventoried after the fact.	Should there be a limit to how long exemptions take place?
Portland police bureau	Who?
Why all bureaus should be regulated equally: because the public's privacy is affected by surveillance regardless of which bureau is behind that surveillance	Who?
I think ensuring that all bureaus report equally keeps privacy issues from developing in unexpected places.	Who?
Oversight should not be done by the same people using the surveillance technology in question	How to improve public trust in oversight?
I like the idea of an independent oversight body. Somewhere that regular citizens have the opportunity to be involved and participate in ensuring that this policy is being managed in the public interest. Any kind of elected representatives would be preferred to my mind.	How to improve public trust in oversight?
I think an independent oversight body consisting of regular citizens would increase trust enormously.	How to improve public trust in oversight?
Oakland's model is pretty interesting and seems effective?	How to improve public trust in oversight?
I think there should be a central role for community in oversight...	How to improve public trust in oversight?
This should be a dynamic, and iterative structure, to remain able to react to a constantly changing landscape. Should also be routine, not episodic or too spaced out. (this also relates to the question about reporting)	How to improve public trust in oversight?
the City Council should be required to approve the policy for each use of surveillance technology, and each vendor contract, and yes, there should be public hearings.	How to improve public trust in oversight?

# City of Portland Surveillance Technologies Policy Development Module I

## Workshop I - Inventories, reporting, oversight

### **About this document**

This document is intended to be the workspace for the Surveillance Technologies Policy Workshop I on inventories, reporting, and oversight.

This document includes guidance on how to draft the policy recommendations and different pages with references and drafting spaces for specific breakout rooms.

The following are quick jump links for accessing specific breakout group workspaces

### **Access to breakout rooms**

### **Instructions for drafting**

Use PLAIN ENGLISH. Use short, concise, grammatically correct sentences.

Avoid archaic vocabulary. Avoid the following words wherever possible:  
aforesaid thereabout forthwith thereafter hereafter thereby herein therefore hereof thereupon heretofore therewith herewith whereas (except in City Council resolution template) thence whereby

Avoid complex sentences. Make the subject-verb relationships clear by putting the subject and verb as close together as possible.

Use active verbs. Write sentences to show clearly who does what.

Original: A written report should be submitted by the committee.

Revised: The committee should submit a written report.

Watch for verbs disguised as nouns.

Original: The task force stated a request for immediate action.

Revised: The task force requested immediate action.

Use brief sentences in the text and only one sentence in the title.

Find ways to express one thought per sentence.

Original: Jones Co. is the contractor, and the contract was signed on June 4.

Revised: Jones Co. is the contractor. The contract was signed on June 4.

General guidelines for writing a policy recommendation:

1. Start with an active verb: Authorize, Accept, Amend, Extend, Increase, Adopt, Appoint, Apply, etc.
2. What is it: contract, bid, report, easement, etc. with Whom: Name of citizen, corporation, or government entity.
3. What is the purpose and how much will it cost?
4. Identification data in parentheses (Ordinance, Resolution, Report or Presentation) If applicable add “;[semi-colon] amend” followed by “Code Section xx.xx” , “Ordinance No. xxxxxx”, etc.

Example:

**Adopt / a process for surveillance technologies inventories / by City Bureaus / to inform City Council and the Community their procurement, use, and status.**

For more instructions on how to draft policy and recommendations visit the City Auditor’s Drafting Manual Ordinances, Resolutions, Reports. Appendix G. Code of the City of Portland, Oregon. Form and style manual.

## **Breakout room 1. Revision of the Surveillance Technologies definition**

### **References**

City of Portland and other West Coast cities (SF, Oakland) definition, from ACLU:

**any software, electronic device, system utilizing an electronic device, or similar used, designed, or primarily intended to collect, retain, analyze, process, or share audio, electronic, visual, location, thermal, olfactory, biometric, or similar information specifically associated with, or capable of being associated with, any individual or group.**

City of Seattle:

"Surveillance technology" means any electronic device, software program, or hosted software solution that is designed or primarily intended to be used for the purpose of surveillance.

"Surveillance" or "surveil" means to observe or analyze the movements, behavior, or actions of identifiable individuals in a manner that is reasonably likely to raise concerns about civil liberties, freedom of speech or association, racial equity or social justice. Identifiable individuals also include individuals whose identity can be revealed by license plate data when combined with any other

record. It is not surveillance if an individual knowingly and voluntarily consented to provide the information, or had a clear and conspicuous opportunity to opt out of providing the information.

New York City:

The term “surveillance technology” means equipment, software, or systems capable of, or used or designed for, collecting, retaining, processing, or sharing audio, video, location, thermal, biometric, or similar information, that is operated by or at the direction of the department. Surveillance technology does not include:

1. routine office equipment used primarily for departmental administrative purposes;
2. parking ticket devices;
3. technology used primarily for internal department communication; or
4. cameras installed to monitor and protect the physical integrity of city infrastructure.

The City of Portland has also received initial community feedback about surveillance technologies through a public event in June and a codesign in December 2021.

A summary of the main findings from that event is below.

#### **Comments about surveillance technologies**

- Technology is continuously evolving.
- The future is uncertain. It is impossible to “future proof” any policy that we make today.
- Quality over quantity. An over complicated definition loses its meaning.
- Everyone has unique and specific experience with surveillance.
- Transparency and acknowledgment of potential harms to the public.
- Observations about human behavior are also surveillance.
- There is a need for deeper and broader awareness about surveillance technologies in Portland.

#### **How are surveillance technologies impacting everyday Portlanders?**

- It is hard to know how surveillance technologies are impacting Portlanders because there is not a lot of transparency or information about when/where we are being surveilled.
- Surveillance by employers can lead to harmful outcomes.

#### **How do injustices show up?**

- Location and distribution of surveillance.
- Biased data – biased data might categorize certain people or groups in certain ways, targeting people unfairly.

- Consent – requiring consent to collect data is desired but also seen as sometimes unrealistic.

### Issues to explore:

- How surveillance of publicly accessible information, like social media, databases (internal and external to the city), should be considered in an updated definition?
- Exemptions and exceptional cases.
- Emergent technology like artificial intelligence, big data, synthetic data, and predictive algorithms, should be considered in an updated definition?

### Worksheet - Breakout group 1

Enter your notes and comments here. Use simple language in your policy recommendations and identify the action, who or what entity needs to do it, and how it can be accountable, whenever possible. ([visit the drafting guidance section](#))

### Prompting Questions:

- The current definition focuses on equipment. Modern surveillance technologies use information collected from publicly available sources or data brokers. How can this fact be included? What about donations of information or tech?
- Some surveillance technologies or their use could be exempt, can you think about what cases are acceptable and what exemptions should be discussed further?
- What can be the process to make decisions on what qualifies as surveillance technologies, and what does not? By whom?

City of Portland and other West Coast cities (SF, Oakland) definition, from ACLU:

**any software, electronic device, system utilizing an electronic device, or similar used, designed, or primarily intended to collect, retain, analyze, process, or share audio, electronic, visual, location, thermal, olfactory, biometric, or similar information specifically associated with, or capable of being associated with, any individual or group.**

### Associated metadata

### Current definition

- I like that it's attempting to be comprehensive re: devices.
  - Fewer ways for technologies to slip through the cracks

What is Surveillance?

Who are the responsible parties? City/ Entities; public, contractors?

### Socio-cultural information



- Missing socio-cultural-linguistic knowledge and information - needs to be addressed and protected. People can profit off of cultural appropriation and include people in databases that can target communities of color.
- Socio-cultural definition: the way that people interact with technology, such as shopping habits, emails, blogs, and what they like.
  - For example: How AAVE functions, how are people relating to each other through these systems and also being protected and making sure it's not being used to target and harm BIPOC.
- Also consider socio-technical systems - thinking about information systems and not just devices.
- Interested in adding predictive policing in definition:
  - Automation and algorithms can reinforce existing racial biases in the criminal justice system
  - Automated process of predictive policing makes it so that the police don't have to justify their actions in a meaningful way (and they already have issues with accountability!) "The machines says..."
  - Because of complexity/secretcy of the tech, public can't recognize harms against certain communities because we don't know enough about the technology to access its risks
  - There needs to be an added effort to explain to the public what the technologies are, how they work, how they're used, make the data open so we can analyze it for bias.
  - Add "automated processes" more generally in the definition to capture tech under this umbrella
- Concerned about policies not being applied to fusion centers
  - Excluding the Titan Fusion Center may need additional consideration. Same may be true in terms of <https://www.fbi.gov/contact-us/field-offices/portland/news/stories/portland-fbis-joint-terrorism-task-force-jttf-111318>
  - Be clear about the scope of who and what entities/jurisdictions must follow these policies
- Maybe we can add that any integration or aggregation of information can be considered a form of surveillance. So, any use of data to create a pattern of behavior or association, whether or not it is collected directly by the city or through a specific device. - (+1)
  - Addition: Whether it's collected directly or indirectly
  - Addition: Include "access" to the data
  - the public also doesn't have access to the data, so even if complexity wasn't an issue, we still could not assess the risk

It's not just people who are known criminals but targets activist too whose only known crime may be attending a protest. And that attendance could potentially land them on a FBI list yeah bad policy. It is a weapon against BIPOC community. (+1)

## Breakout room 2. Inventories of the Surveillance Technologies

### References

- [Module I on Inventories, reporting, and oversight event \(recording\)](#)
- [SF inventory \(Reference resource\)](#)
- [Seattle inventory \(Reference resource\)](#)
- [Oakland PAC meeting packet November 2021 \(Reference resource\)](#)
- [Seattle's exemptions \(Reference resource\)](#)

### Worksheet - Breakout group 2 (Inventories)

Enter your notes and comments here. Use simple language in your policy recommendations and identify the action, who or what entity needs to do it, and how it can be accountable, whenever possible. ([visit the drafting guidance section](#))

#### Prompting Questions:

**An inventory would show all surveillance technologies used by City bureaus and departments and its purpose clearly.**

- I think maybe data aggregation software and programs should be included in the inventory, not just specific devices. This would include any methods of data referral or sharing with other organizations.
- I think it's really important that alternate methods of identification and the software used to manage them are included. I.e. Hector's examples of blended biometric data, fingerprints, eyeprints, walking and gait analysis, shoe analysis, voice analysis, etc.. Any methods by which citizens can be identified and the analysis systems used to perform that identification should probably be included.

**There are two levels to this, one is the perspective of technologies as a whole, and the second layer is about individual deployments and uses. Do we need this double layer of inventories? What information should be included?**

- Interested in seeing names of companies and parent companies that are supplying technologies and how much money it costs to attain these technologies
- Important to look at ongoing costs being spent (personnel or storage fees) and recurring contracts and costs to keep systems running
- Identifying who is owning and responsible for use of tech and data collected and limit/restrict what can be done with data
  - For example, who, how, where are video poker machines being placed. This data can be used to exploit poor, Black and Brown communities
- When replacing/decommissioned technology, what is happening to that data as new systems are being used? Adding transparency around decommissioned systems
- Data should only be used for its originally intended purpose, and new purposes should be approved

- [City staff] Police have access to data that other bureaus are obtaining. There can be a procedure to explain a clear justification for why they are accessing and using bureau data.
  - Need to define “clear justification” - Only justification that should exist is signed search warrant
  - Who approves the "clear" justification?
- Include programs and systems used to aggregate data in inventory [to add additional thoughts]

**Who should be in charge of implementing the surveillance inventory? How should this inventory be made public?**

- There should be a yearly audit of organizations and how they are using these technologies
  - Who is doing this auditing? Is it community based or professional based?

–Monday, 4/4/22 –

I am noticing yet another new camera that has suddenly appeared on Foster Road. This made me think of our inventory situation, and I’m wondering about requiring that the bureaus and entities that install these surveillance systems must first make their case to the public that they are necessary. This would mean that they would have to add their technology request to the inventory themselves and make their request public prior to implementation. We could use the definitions above about tracking (or the ability for technology to be used as tracking at a future date) to stipulate what kinds of technologies must be accounted for. This would place the burden for keeping the inventory up-to-date on the bureaus and entities that are trying to use it.

**Breakout room 3. Surveillance Technologies Reporting**

**References**

- [Seattle 2021 Q1 report](#) (Reference resource)
- [BART 2021 annual report](#)(Reference resource)
- [Oakland PAC meeting packet November 2021](#) (Reference resource)
- [SF inventory](#) (Reference resource - reporting)

Prompting Questions:

- Surveillance reporting would require agencies to meet public reporting and approval requirements before acquiring or using surveillance tech.
- This could apply to:
  - existing technologies only used by the City; and
  - The attainment of new technologies
- How reporting should be communicated to the public?

### **Worksheet - Breakout group 3 (Reporting)**

Enter your notes and comments here. Use simple language in your policy recommendations and identify the action, who or what entity needs to do it, and how it can be accountable, whenever possible. ([visit the drafting guidance section](#))

#### **Report Content**

- Bureaus and vendors should fill out a form of how, when, who, why they are using a specific type of surveillance tech - this info should be made available to public
  - Add how often it's used and the return on investment - is it worth spending money
  - Seems like there's unwieldy, excessive spending of budget by police - understand how much crime is prevented vs how much \$\$\$ are spent - is it working?
- Government bodies can use neutral language and coded language to report
- We've been using a good ole boy language system to interpret, document, and share data, and a percentage of BIPOC folks learn the "systems" language and therefor gain access to "privilege" information; while others without this skillset often remain ignorant to these systems and structures that affect their lives. We need an equitable way to communicate about systems that affect everyone but we only speak one language
- Can we shift the burden of cataloging and reporting into the bureaus and entities proposing and using the surveillance itself? If this were a requirement to using surveillance systems, the work of cataloging it might become shared automatically. Audit costs then become the main new expense to any new cataloging program. (Plus, if there is a burden of reporting, this creates an automatic weight against proliferation of surveillance without specific and dire need.)
  - Is there any danger of governing bodies not being accountable to reporting due to burden and additional work?

#### **Communication of reporting**

- Quarterly reports w/ a yearly audit
- Is it possible to get a town hall presentation of the quarterly reports or at minimum get them on OPB? most people will not read through documents like this the information should be summarized verbally as well. Otherwise only a small group of people will have access to the quarterly reports? will they also be offered in other languages?
  - Information needs to be presented and shared to accommodate diverse communities and who was surveilled
  - Be mindful and creative about how to share information in a way that's accessible and inclusive (i.e. tik tok)

#### **Who oversees the reporting?**

- Body that is created to oversee this reporting - who is being used and how is it being used? - public transparency around the tools and who
  - Is the public involved in overseeing the reporting?

I'd like to see a yearly justification for any surveillance as a part of the reporting requirements we discussed last week. This maybe could include specific metrics (the "why" for where the surveillance came from in the first place), followed by reporting on how those metrics are being met and how privacy is being respected. This might then be submitted to the oversight board. If the metrics for the need are not met or not justifiable, the understanding would be that the surveillance apparatus or system would need to be removed at the installing bureau's expense.

#### **Breakout room 4. Surveillance Technologies Inventory implementation and oversight**

##### **References**

- [New Orleans independent surveillance analysis](#) (Reference resource)
- [Seattle council approval](#) (Reference resource)
- [Seattle surveillance Technologies usage review](#) (Reference resource)
- [San Francisco board of Supervisors approval](#) (Reference resource)
- [Public signaling of technologies example \(Digital Trust for Places and Routines, DTPR\)](#) (Reference resource)
- [Using DTPR in Boston \(Digital Transparency in the Public Realm\)](#) (Reference resource)

##### **Prompting Questions:**

- Oversight of the inventory and reporting allows greater transparency and accountability
- Does the City Council review or approve reports and policies? Should the City Auditor's Office be part of the regular oversight? Is there a need for an ethics review?
- What are the expected measures for responding to recommendations and feedback? Who is in charge of implementing this feedback?
- Should an open window for public comments be part of the revisions of reports? What other methods for public feedback and oversight would you recommend?

##### **Worksheet - Breakout group 4 (oversight)**

Enter your notes and comments here. Use simple language in your policy recommendations and identify the action, who or what entity needs to do it, and how it can be accountable, whenever possible. ([visit the drafting guidance section](#))

- [City staff] Should there be an ethicist to evaluate and should they be independent of governance structure?
  - How do we ensure ethicists are serving the interest of the people?
- Need to ensure they are not being pressured to approve surveillance tech
- Users should not be auditing their own use of surveillance
  - Yeah it gives people an opportunity to unpack information and ask questions
- Could be participatory process - auditing is not done *for* the people but *with* the people
- Can we use existing bodies that already do this work? Can there be a legal mandate to provide oversight?
- Approval for surveillance systems should not be default - use needs to be justified and why we need it more than we don't

## Policy Module #2 Discussion - April 13, 2022

Comment	Question or topic
Have an independent body that focuses on validation studies to ensure accuracy of the technology.	Governance Q1
when city is looking at existing tech and reporting takes a long time, public comment periods end before they have a change to weigh in. create deadlines for reporting.	Governance Q1
Yes, timeline management would be very important. Perhaps a clear directive that without a specific length of public comment period, no new technology or new analysis may be implemented or something.	Governance Q1
Public defenders would be good voices to have in the process	Governance Q1
Prevent feedback loop that reinforces over-policing in specific neighborhoods	Governance Q1
oversight of routine technology purchasing	Governance Q1
economic oversight of return on investment - avoid throwing money at solutions that may not be working	Governance Q1
Often it is marketing departments that do accuracy studies or make claims of accuracy	Governance Q1
I feel like there needs to be a strong community component to any kind of governance board created, outside of the standard city representation. Some kind of elected representatives maybe and/or representation for community groups, neighborhood associations, private citizens etc. I think it should have the ability to veto the utilization of any technologies or data-analysis systems. It should be completely transparent and deliberate publicly in my opinion.	Governance Q1
By ensuring representation from every community are part of the process	Governance Q1
Even with complete transparency, having guidelines is a necessity to keep an oversight board accountable	Governance Q1
RE: What authority should it have? - This governance body/structure be able to deny/veto the ability for new surveillance tech to be procured	Governance Q1
decentralized group of activists keeping Police in line (i.e. Hack Oregon) Letting folks with lived experience do data science projects	Governance Q1
hybrid: a consistent group with community representatives/ volunteers	Governance Q1
I like the hybrid approach of having experts alongside community members, but the experts should not be representatives of corporate or business interests	Governance Q1
I like the idea of some kind of hybrid structure but having a component that is open to the public alone is not helpful if it's not accessible to the public.	Governance Q1
^ having a dedicated community director that finds reps from vulnerable communities	Governance Q1
Oversight structure that can respond rapidly to urgent and new technologies to evaluate if they can do hard	Governance Q1
Everyday citizens who live in the areas, ethics & constitution experts, CBOs that serve various community groups from diverse backgrounds	Community Involvement Q1
youth - could be opportunity for development and involvement in understand tech and how governments and law enforcement are using data	Community Involvement Q1

Youth should be involved - both to inform them, engage them in civic activity, and be exposed to technology and new skills	Community Involvement Q1
Youth have a lot of technology savvy, would be an asset to this work	Community Involvement Q1
This is an opportunity for community members to get mentorship/learning opportunities	Community Involvement Q1
Communities who got Tech kits from CARES Act - could we ask these folks?	Community Involvement Q1
Policy can be addictive once you dip your toe in! but how do we help people break through?	Community Involvement Q1
How to incentive? Payment? Other methods?	Community Involvement Q1
I think representation for homeless citizens would be an important segment to consider. Advocates for these communities should be involved, with outreach to these folks for feedback maybe. These citizens are often some of the most affected by these technologies.	Community Involvement Q1
How can we get the unhoused community involved?	Community Involvement Q1
Unhoused people need basic needs met, these can be incentives for them to participate. Cell phone charging, food, warm clothing, etc	Community Involvement Q1
What about soliciting a representative from each high school and community college campus or something to be involved?	Community Involvement Q1
Engage people in different ways - including art and design	Community Involvement Q2
Hold hearing sessions for the government to get schooled by the community	Community Involvement Q2
"education" comes from a deficit mindset - can we pay folks to tell us how we can be doing things better and making information accessible?	Community Involvement Q2
street teams and guerrilla marketing - engage people who have zero interest in policy or technology stuff, but there may be more interest in marketing and design	Community Involvement Q2
offer intergeneration always to participate and skill sharing	Community Involvement Q2
how easy are we making it to get information out and accessible?	Community Involvement Q2
Public notice & addresses, Incentives - show communities that action results from their input, offer community improvements that are needed & warranted in those areas as incentives (don't pave high end streets that don't need it just because those individuals participate)	Community Involvement Q3
seniors and people with disabilities are most impacted and have no voice in the process - advocates and community leads can help outreach	Community Involvement Q3
outreach to undocumented folks that help make them feel safe to participate	Community Involvement Q3
tech focused literacy training	Community Involvement Q3
The fatigue comes from seeing the same people at the table	Community Involvement Q3
tap into existing orgs - there may be synergies and overlapping missions and initiatives	Community Involvement Q3
Invest in building up new community leaders	Community Involvement Q3
Invest in community leader training and mentorship	Community Involvement Q3

More fun events, especially in person to bring people together	Community Involvement Q3
How do we ensure that community members voices have weight, and they see how their participation is making change	Community Involvement Q3
Events to bring people together, to build relationships and trust	Community Involvement Q3
Incorporating multiple ways for community members to provide input, including ways that don't entirely rely on digital tools	Community Involvement Q3
What weight would citizens ("non-experts" and those not in traditional leadership roles) have as part of this structure?	Community Involvement Q3
if people know how and to what extent they are influencing the process, people will be more willing to stay involved	Community Involvement Q3
data visualization (interactive) art projects - what could visualization of data look like and tell powerful stories that resonate with people?	Community Involvement Q3
could be a gallery or showing that people can drop into	Community Involvement Q3
I like that idea of presenting data and info into public settings. Joining events and spaces where new people might be present for another purpose. Tabling and posters/artwork with an opportunity to provide comment and feedback in the moment. Maybe stories about how data could be used in the future	Community Involvement Q3
Using art and data visualization to communicate data/tech issues	Community Involvement Q3
This is also related to governance question	Community Involvement Q3
Include drop in events that don't require any preparation or prior knowledge	Community Involvement Q3



# City of Portland Surveillance Technologies Policy Development Module II

## Workshop II - Governance and Community Participation

### **About this document**

This document is intended to be the workspace for the Surveillance Technologies Policy Workshop I on inventories, reporting, and oversight.

This document includes guidance on how to draft the policy recommendations and different pages with references and drafting spaces for specific breakout rooms.

The following are quick jump links for accessing specific breakout group workspaces

### **Access to breakout rooms**

### **Instructions for drafting**

Use PLAIN ENGLISH. Use short, concise, grammatically correct sentences.

Avoid archaic vocabulary. Avoid the following words wherever possible:

aforesaid thereabout forthwith thereafter hereafter thereby herein therefore hereof thereupon heretofore therewith herewith whereas (except in City Council resolution template) thence whereby

Avoid complex sentences. Make the subject-verb relationships clear by putting the subject and verb as close together as possible.

Use active verbs. Write sentences to show clearly who does what.

Original: A written report should be submitted by the committee.

Revised: The committee should submit a written report.

Watch for verbs disguised as nouns.

Original: The task force stated a request for immediate action.

Revised: The task force requested immediate action.

Use brief sentences in the text and only one sentence in the title.

Find ways to express one thought per sentence.

Original: Jones Co. is the contractor, and the contract was signed on June 4.

Revised: Jones Co. is the contractor. The contract was signed on June 4.

General guidelines for writing a policy recommendation:

1. Start with an active verb: Authorize, Accept, Amend, Extend, Increase, Adopt, Appoint, Apply, etc.
2. What is it: contract, bid, report, easement, etc. with Whom: Name of citizen, corporation, or government entity.
3. What is the purpose and how much will it cost?
4. Identification data in parentheses (Ordinance, Resolution, Report or Presentation) If applicable add “;[semi-colon] amend” followed by “Code Section xx.xx” , “Ordinance No. xxxxxx”, etc.

Example:

**Adopt / a process for surveillance technologies inventories / by City Bureaus / to inform City Council and the Community their procurement, use, and status.**

For more instructions on how to draft policy and recommendations visit the City Auditor’s Drafting Manual Ordinances, Resolutions, Reports. Appendix G. Code of the City of Portland, Oregon. Form and style manual.

## **Topic 1. Surveillance Technologies Governance**

### **References**

- [Smart City PDX Surveillance Technologies development plan](#)
- [Portland City Council work session on surveillance technologies and digital justice blog post](#)
- [City of Portland Community and Civic Life Office page on Boards and Commissions](#)
- [City of Oakland Privacy Advisory Commission website](#)
- [City of Oakland Privacy Advisory Commission Bylaws and Establishing Ordinance](#)
- [City of Seattle Surveillance advisory working group](#)
- [City of San Francisco Privacy and Surveillance Advisory Board](#)
- [ACLU Community Control Over Policing Surveillance Model](#)

A summary of the main findings from that event is below.

### **Comments about Governance of surveillance technologies**

- Form an independent body that focuses on validating reports and accurate use of technologies
- Allow realistic and reasonable time for public comment periods and clear deadlines for reporting
- Provide oversight of routine technology purchasing and procurement including oversight on its return on investment

- There needs to be strong community representation in any governance structure and power to veto the use of new surveillance technologies
- Have guidelines established to keep governing bodies accountable
- Oversight structure should be able to rapidly respond to urgent and new technologies

**Issues to explore:**


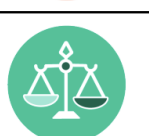



- Use a selected surveillance technology, for instance automatic license plate readers, and explore how a governance structure could decide how this technology can be used, how effectiveness can be measured,
- The authority level and structure of the governance
- Type of issues that the governance should look at and what type should not.

Include key takeaways from defining surveillance technologies

I was just going to ask if there will be culturally specific framing applied to the contracting process? folks of color, specifically black folks, are over surveilled, so will there be importance placed on those companies that center equity and addressing bias?

Create and include surveillance principles in governance. Technology ages, principles don't.

**The City of Portland supports data and Information management as well as sharing strategies to fulfill City purposes when aligned with the following Privacy and Information Protection Principles:**

	<p><b>Transparency and accountability-</b> How the City uses, manages and collects information is described clearly, accurately, and shared in an accessible way. Who creates, contributes to, and has access to that information is also clearly documented and communicated to all people who entrust city government with their data and information.</p>
	<p><b>Full lifecycle stewardship –</b> Data, metadata and Information will be secured and protected throughout its life cycle. That includes collection, storage, use, control, processing, publication, transfer, retention and disposition.</p>
	<p><b>Equitable data management –</b> The City of Portland will prioritize the needs of marginalized communities regarding data and Information management, which must be considered when designing or implementing programs, services, and policies.</p>
	<p><b>Ethical and non-discriminatory use of data -</b> The City of Portland has an ethical responsibility to provide good and fair stewardship of data and information, following existing non-discriminatory protections, and commits due diligence to understand the impacts of unintended consequences.</p>
	<p><b>Data openness –</b> Data, metadata and information managed by the City of Portland -- and by third parties working on behalf of the City -- that are made accessible to the public must comply with all applicable legal requirements and not expose any confidential, restricted, private, Personal Information or aggregated data that may put communities, individuals, or sensitive assets at risk.</p>
	<p><b>Automated Decision Systems -</b> The City will create procedures for reviewing, sharing, assessing, and evaluating City Automated Decision System tools -- including technologies referred to as artificial intelligence -- through the lens of equity, fairness, transparency, and accountability.</p>
	<p><b>Data utility –</b> All Information and Data processes must bring value to the City of Portland and the communities the City serves. The City will collect only the minimum amount of Personal Information to fulfill a well-defined purpose and in a manner that is consistent with the context in which it will be used.</p>

## Worksheet - Topic 1 - Governance of Surveillance Technologies

Enter your notes and comments here. Use simple language in your policy recommendations and identify the action, who or what entity needs to do it, and how it can be accountable, whenever possible. ([visit the drafting guidance section](#))

### Prompting Questions:

- **What is the governance structure that enables effective and inclusive decision making on issues around surveillance technologies?**
- **What would be the requirements for those joining a governance structure?**
  - I like the idea of different roles that are not restricted to only experts or highly skilled people.
- **What can we imagine as the most inclusive and equitable way to develop the governance of surveillance technologies?**
- **What type of support provided by the city is needed?**

### Add your recommendations

- –May 2: I’ve been looking at the options discussed in the first public meeting. The World Cafe structure was intriguing and I really appreciated the “Common Ground for Action” technology and decision-making process for finding common ground on challenging issues.
- I’m wondering if it could be possible to use some of these strategies to integrate a larger-group and facilitate effective decision making. For example, I loved the idea of public, geographical representation in the group, and representation for concerned-citizens organizations and nonprofits that serve affected people. I like the idea of mixing appointed and elected positions and including technology experts as consultants without voting power to the group.
- However, this becomes a large number of people very quickly, so perhaps the “common ground for action” system or something like it, would help to keep things streamlined. For example, if there were some kind of a requirement that common ground of 80 or 90% be found on the implementation (or continued use) of any surveillance or tracking technology, this would help enormously with moving the agenda forward and help the group weigh pros-and-cons for risk/benefit. If a technology or method did not make the common-ground cut, it would be discontinued/denied. (Though perhaps re-application could be allowed if new research or arguments were submitted.)
- I’m wondering also, though, in light of my new research, would it be possible, to create some kind of an application so that members of the public could apply to participate also? With something like the “Common Ground for Action” system, I think we could open up participation beyond the guiding committee because it appears to accommodate large numbers of people.
- I don’t think that the application to participate should be onerous or anything, just something to confirm and certify (under penalty) that no conflicts of interest exist and that citizens are living in Portland, registered to vote, that kind of thing.

- There would still be digital-divide issues to consider on this, of course, so perhaps we could promote library participation during the oversight-board convening, or otherwise recruit temporary technology donations for the duration of the event? I know Free Geek aims to plug holes in the “digital divide” so perhaps they could be tapped as a possible sponsor of some kind?
- I really like the idea of the board endorsement being REQUIRED before any surveillance methods or technologies could be implemented or continued (broadly defined as any method or system that records or integrates personally identifying information [PII]). I think this would be far more helpful than a ‘veto’ system.
- I think endorsement should be a requirement for any technology or method to be used, and that surveillance-use applicants should have to craft and submit benefit/risk analyses that include education on the technology. This might help reduce the amount of aggregated research and education that board itself would have to conduct.
- OK, that was a lot. Thank you for considering my perspective.
- Add exemptions based on Human Rights impact assessment.
- Biometrics may be exempt at the federal or state level. There could be procedures that can document existing procedures that could be used in the local policy.
- Procedures for managing exemption exist. It will need to be contextualized locally.
- Look for conflict of interest with vendors.
- ALPR EXAMPLE NOTES:
- A technical assessment is needed. Is it private or public data?
- Who is the vendor? Is it a data broker? Who is receiving this data and is the data being sold? This needs to be an intervention by the city.
- Human rights impact assessment - need analysis of vulnerable populations being impacted
- Need to look at the life cycle of technology and data - what are the risks and benefits?
- Who is asking for ALPR?
- What would be a way to know how it’s being used that nobody is able to agree to?
- In the event there’s a data breach, what are the remedies to impact people’s lives?
- Re: who’s owning the data - they should be treated as a public agency; for instance, people should be able to do public records request
- Governance should have some kind of authority to take action like inspector general or auditor if agencies don’t comply
- How is data connected to specific actions like arrests or fines and demographics of impacted populations - be able to measure biases
- How enforcement is doled out and are there disproportionate impacts based on socioeconomic status
- With regard to “Who is with you,” I’d like to see a blend of appointed and elected positions, including:
- Vulnerable populations assessment
- Risk assessment specialists
- Technology specialists

- Elected community representatives - city elections period. Process for representation of community groups.
- Intelligent video surveillance: a review through deep learning techniques for crowd analysis: <https://journalofbigdata.springeropen.com/articles/10.1186/s40537-019-0212-5>
- The idea of measurement of how the data is used is very important
- I think it's interesting that the city of Oakland requires whatever bureau is asking for information to write up the ask with really specific questions and consideration around privacy- gets people at all levels of the city thinking about these issues and having to come up with solid answers as to Why the ask is being made.
- Deep Learning in Mining Biological Data <https://link.springer.com/article/10.1007/s12559-020-09773-x>
- What are the implications of Oakland's example of governance? How do they mitigate for loopholes?
- Oregon is deep in discussions of statewide privacy bill, there is momentum here
- Is there an opportunity for governing bodies to mirror and represent geographic, diverse communities and can there be a governing chair
- In particular an opportunity as the charter is being reviewed and there is potential for restructuring
- Who should NOT be on an oversight committee?
- Members of government agencies who may be using the technologies
- Representatives from technology companies who stand to profit from technology contracts
- Need to look at conflict of interest; members should go through screening to understand intentions; be mindful of power imbalance between folks knowledgeable or experts in these technologies and take advantage of those who are not experts but have equal stake and concerns about impacts to vulnerable communities
- People should not be excluded because they are technical experts but need to assess conflict of interest
- I wonder if to solve that problem re technical expertise if pulling in people from local universities could help and provide that expertise without an economic stake
- Ensure there is Tribal representation
- I wonder if to solve that problem re technical expertise if pulling in people from local universities could help and provide that expertise without an economic stake
- I'd also be wary of legal expertise also running over the voices of local residents. It's possible to "legal-splain" as much as "tech-splain."
- Someone raised the issue of what to do if someone does work in tech and wants to contribute in a socially positive way without fear of retaliation at work: Could the governance body set up a secure anonymous tipline where people who do have inside information that makes their company look bad share it? Even if not inside information, just pointed questions they know should be asked and would be revealing.
- There are existing technical assessments that are very good and thorough that should be looked into before we decide on one.

## Topic 2. Community Involvement and Public Participation

### References

- [Ada Lovelace Institute Biometric Citizens Council - Recruitment process \(page 15\)](#)
- [NYC peoples' Tech Assemblies](#)
- [Pittsburgh Task Force on Public Algorithms](#)
- [Oregon Citizens Initiative Review](#)

### Worksheet - Topic 2 (Community involvement)

Enter your notes and comments here. Use simple language in your policy recommendations and identify the action, who or what entity needs to do it, and how it can be accountable, whenever possible. ([visit the drafting guidance section](#))

#### Prompting Questions:

- **What are the actions that the City needs to make in order to enable successful and meaningful community involvement and participation?**
- **What kind of strategies can be implemented by the city to facilitate community involvement?**
- **What are the right metrics to measure effective and meaningful community involvement?**

#### Add your recommendations

- Don't come with a problem and ask the community to solve it in a month. Need deep relationship building and frequent loop backs.
- Many are still in the pandemic - any incentives to reduce barriers are helpful.
- Need to recognize that many people don't have access to broadband internet and there's a level of privilege to have these conversations.
- Meeting at the library, leveraging library's information science resources
- Churches and places of worship helping to organize events and access to technology
- Pop up, mobile events - meeting people where they are
- Partnering with organizations doing digital divide work with frontline communities
- Public access to wi-fi - Wi-Fi homepage could have information to surveillance tech and their rights
- I like the Wi-Fi idea, but again, we would need strong data aggregation protections for these vulnerable populations. We wouldn't want to create an online-tracking environment that sells out people's privacy when they are using their computers or phones.
- Use similar methods that the government used to get covid tests out to folks with an address



- Think about points of engagement - if cameras are in public spaces, is that a place or occasion to ask questions and gather feedback.
- Produce open-source data and fund CBOs that are able to process that data. Incentivize orgs to take action. Engage youth towards skill development and future jobs towards this type of work. Develop lifelong civic engagement. Use social media to reach youth.
- Readapt “Know your rights” - can there be “know your tech”
- Advertise on streaming services. a lot of folks get their info through their phone.
- I would be concerned about data aggregation of any kind, open source or otherwise, if it were tied to personally identifying information. I think we would need to keep strong safeguards around aggregating data that could be mined in the future through retroactive surveillance. It is possible that we may face a more civil-liberties-averse set of administrations and governments in the future, so how do we protect citizens from this eventuality.
- Work with existing orgs to tailor messaging and get buy in
- Metrics for measuring community involvement
- How many people didn’t care and the start and how many people were we able to engage through a communications campaign?
- Messaging and getting buy-in. Why should people care about this?
- How long do people participate? What roles did people take on?
- Measure overall impact - the amount of surveillance evaluated
- Number of reports reviewed
- Results of surveillance - how was it used and what were the outcomes? Did it have an impact on community safety?
- Process: Who did the city reach out to/collaborate with (community partners, organizations, etc.)? Who was a part of those decisions? Who/which groups weren’t reached or reached as well as they could have been? We could track geographic data, demographics, methodology, guiding principles

**Policy Module #3 Discussion - May 11, 2022**

Comment	Question or topic
How does each user of the technology (i.e. PPD) define how & who are they protecting? It is very easy for abuse to happen.	Question 1: Under what circumstances should the selection of this technology be approved?
Should it be the standard that all surveillance tech should all go through the same standard of assessment?	Question 1: Under what circumstances should the selection of this technology be approved?
Need to be able to interrogate the different philosophies behind these tech requests; there is a wide range of ethical assumptions around tech & surveillance in general	Question 1: Under what circumstances should the selection of this technology be approved?
Any technology is susceptible to serving greater forces of policing BIPOC communities- the default needs to question why a dept like PPB needs more technology to continue disproportionate surveillance and policing of BIPOC communities	Question 1: Under what circumstances should the selection of this technology be approved?
What is most important: fair, inclusive, and accessible representation. When specific technology is bias-proofed & meets all privacy and project principle standards, then it can be approved.	Question 1: Under what circumstances should the selection of this technology be approved?
Don't necessarily see cameras in park as for safety (for all)- "safety" does not equally apply to all members of the community	Question 1: Under what circumstances should the selection of this technology be approved?
Need to ask: what is the need that is trying to be met with the proposal for new surveillance tech? will this tech provide the most effective & sustainable solution to the problem?	Question 2: What triggers and who conducts a privacy risk assessment?
i.e., drug addiction is a social & community health issue- rather than looking to surveillance tech as the solution for this, the solution, investment, and interventions should look more upstream to address the root cause of the drug addiction issue	Question 2: What triggers and who conducts a privacy risk assessment?
The default should question the necessity of new surveillance tech (i.e. why do you need that?); there should be an interrogation into the social & safety costs of obtaining and using this tech; if can assume that racism is entrenched in all parts of our society & culture, then we should also start with the default of challenging how does this new tech isn't just serving that same cause.	Question 2: What triggers and who conducts a privacy risk assessment?
People who are trained in social work, mental health, and community health should be involved in the privacy risk assessment process; they will have the best perspective to evaluate the danger & implications of the tech	Question 2: What triggers and who conducts a privacy risk assessment?

<p>Social workers, case workers, and others who work directly with most impacted BIPOC communities have more expertise and arguable qualifications to help advise on how and what technology should be used, rather than just exclusively those working in surveillance tech</p>	<p>Question 2: What triggers and who conducts a privacy risk assessment?</p>
<p>Need representatives who have familiarity with technology involved</p>	<p>Question 2: What triggers and who conducts a privacy risk assessment?</p>
<p>Important to have representatives of the social &amp; tech aspects but also representatives who can advise on the ethical implications, values &amp; principles of surveillance tech</p>	<p>Question 2: What triggers and who conducts a privacy risk assessment?</p>

Discussion Part 1: Surveillance Definition Revisited

## Updated Definition of Surveillance Technologies

"Surveillance" or "surveil" means to observe, collect, purchase, or analyze personal information, including information linked to the identity, movements, culture, linguistic knowledge, nature, and history of an individual or group of individuals.

"Surveillance technology" means any electronic or analog device, equipment, software, information or associated metadata, automated decision systems, data processing system, or hosted software solution that is designed or primarily intended to be used for the purpose of surveillance.

**Question 1: Looking at the surveillance technology definition, can you think about a surveillance technology or cases that may not be covered by it?**

What is in place to prevent secondary use cases that would allow some kind of surveillance that was not intended?

Built for Zero example (database of unhoused people outside) from Willamette Week article. How do we future proof that technologies that are procured today cannot become or transform into surveillance technologies at some point? This relates to the governance question - we need continued oversight of these technologies.

A lot of surveillance technology was not originally designed to be a surveillance system

What is missing in the definition?

- Gathering information about thoughts, opinions, politics, etc.
- Affiliation with groups, religions, parties, etc.
- "Designed and primarily intended to be used for"
  - Many tools that evolve into surveillance tools were not developed with that intent initially. Ex: Twitter, Wifi, etc.

"I just want to second Chris' point that we should definitely expand the definition to encompass technology that can be used for surveillance, even if that was not its primary intent"

### Chat discussion and questions:

- could something like predictive algorithms count under "data processing systems" in the cases that any historical data is required to make future predictions?
- RE: Publicly available personal information under the list of things that don't fit the definition: Interesting. Does the individual have to make it public themselves?
- its not usually the case, at least in my experience. <https://github.com/nagwww/s3-leaks>
- Is it possible to include "predictive algorithms" in the definition itself?
- What incentivizes secondary uses?
- Broadening the definition from Surveillance oversight to privacy oversight.
- Missing: Analyzing personal information, gathering information about thought, opinion , personal beliefs and affiliation/ association

### Question 2: Who should have the authority to define/decide if something is a surveillance technology?

### Discussion Part 2: Governance Mission Statement

## Governance Mission

- To establish a practice of community involvement in assessing City of Portland use of technology that can capture personally identifiable information and what privacy risks are present
- To create a transparent, collaborative process for identifying the policies and practices that need to be in place to be consistent with the Privacy Principles and protect the Human Right to privacy
- Opportunity to Portland residents for involvement and allow representation, shared expertise for specialized topic areas, different lived experiences, and cultural backgrounds, to participate in building better decision making and rapid response to the Portland Community and the City's needs and use of surveillance technologies
- The process needs to be consistent with the **Privacy Principles and the Core City Values** of anti-racism, equity, transparency, communication, collaboration, and fiscal responsibility

### Question 1: What does this mission statement mean to you? How would you interpret these statements? What is missing?

article: a good case study in what we'd want to avoid with a governance body, especially since we want sustained community engagement: <https://www.vice.com/en/article/g5qzj3/the-capital-of-silicon-valley-is-ignoring-its-privacy-experts>

Use a different term than “rapid response” - might be confused with homelessness services

Re: To **involve Portland residents in decision making and allow representation**. This will create shared expertise for specialized topic areas, different lived experiences, and cultural backgrounds,

For the third bullet point, include education, since that has been a theme that has come up many times.

My take-away here is that representative involvement and oversight to surveillance will be the major point of this governing board and that the core concerns of the city will be defined by the Privacy Principles and Core City Values.

Fourth bullet point: To build effective and better decision making and rapid response to the Portland Community and the City’s needs and use of surveillance technologies

- We want to get to a place where we are not constantly responding to a crisis but approaching it upstream. Avoid being reactionary, thinking ahead.

Data deletion - it is important to not hold onto data forever. How is it kept, for how long? Will it be shared any other ways after its initial use? This might be part of bullet point two, but should be more explicit

Someone else agrees - this relates to the policies and practices piece (bullet point two)

Bullet point two for reference: To create a transparent, collaborative process for identifying the policies and practices that need to be in place to be consistent with the Privacy Principles and protect the Human Right to privacy

“Second and third order effects of surveillance”. When you adopt a new surveillance technology, it expands the government's power and capacity in ways that are not always visible. When you try to evaluate them and if the government should use them, evaluate how it impacts the balance of power. It can expand the extent of government in a way that was not intended.

“my impulse is to say that if there is data that you don't want to be made available via public data requests, you should not be collecting.”

“I know that data minimization is a part of the Privacy Principles, but I really like the idea of explicitly mentioning this value in the governance mission - wrapping this into the data lifecycle conversation, perhaps.”

“Perhaps mentioning balance of power as Chris suggested and also the potential for manipulation of the electorate in ways that could prevent an easy fix in the future, as major risks of surveillance over time might be important”

Comments classified in table form:

Comment	Question or topic
What is in place to prevent secondary use cases that would allow some kind of surveillance that was not intended?	"Question 1: Looking at the surveillance technology definition, can you think about a surveillance technology or cases that may not be covered by it?"
Built for Zero example (database of unhoused people outside) from Willamette Week article. How do we future proof that technologies that are procured today cannot become or transform into surveillance technologies at some point? This relates to the governance question - we need continued oversight of these technologies.	"Question 1: Looking at the surveillance technology definition, can you think about a surveillance technology or cases that may not be covered by it?"
A lot of surveillance technology was not originally designed to be a surveillance system	"Question 1: Looking at the surveillance technology definition, can you think about a surveillance technology or cases that may not be covered by it?"
Gathering information about thoughts, opinions, politics, etc.	Question 2: What is missing in the definition
Affiliation with particular groups, religions, parties, etc.	Question 2: What is missing in the definition
"Designed and primarily intended to be used for" - Many tools that evolve into surveillance tools were not developed with that intent initially. Ex: Twitter, Wi-Fi, etc.	Question 2: What is missing in the definition
"I just want to second Chris' point that we should definitely expand the definition to encompass technology that can be used for surveillance, even if that was not its primary intent"	Question 2: What is missing in the definition
could something like predictive algorithms count under "data processing systems" in the cases that any historical data is required to make future predictions?	Question 2: What is missing in the definition
RE: Publicly available personal information under the list of things that don't fit the definition: Interesting. Does the individual have to make it public themselves?	Question 2: What is missing in the definition
it's not usually the case, at least in my experience. <a href="https://github.com/nagwww/s3-leaks">https://github.com/nagwww/s3-leaks</a>	Question 2: What is missing in the definition
Is it possible to include "predictive algorithms" in the definition itself?	Question 2: What is missing in the definition
What incentivizes secondary uses?	Question 2: What is missing in the definition
Broadening the definition from Surveillance oversight to privacy oversight.	Question 2: What is missing in the definition
Missing: Analyzing personal information, gathering information about thought, opinion , personal beliefs and affiliation/ association	Question 2: What is missing in the definition
article: a good case study in what we'd want to avoid with a governance body, especially since we want sustained community engagement: <a href="https://www.vice.com/en/article/g5qzj3/the-capital-of-silicon-valley-is-ignoring-its-privacy-experts">https://www.vice.com/en/article/g5qzj3/the-capital-of-silicon-valley-is-ignoring-its-privacy-experts</a>	Question 3: What does this mission statement mean to you? How would you interpret these statements? What is missing?

<p>Use a different term than “rapid response” - might be confused with homelessness services</p>	<p>Question 3: What does this mission statement mean to you? How would you interpret these statements? What is missing?</p>
<p>Re: To involve Portland residents in decision making and allow representation. This will create shared expertise for specialized topic areas, different lived experiences, and cultural backgrounds -- include education, since that has been a theme that has come up many times.</p>	<p>Question 3: What does this mission statement mean to you? How would you interpret these statements? What is missing?</p>
<p>My take-away here is that representative involvement and oversight to surveillance will be the major point of this governing board and that the core concerns of the city will be defined by the Privacy Principles and Core City Values.</p>	<p>Question 3: What does this mission statement mean to you? How would you interpret these statements? What is missing?</p>
<p>Fourth bullet point: To build effective and better decision making and rapid response to the Portland Community and the City’s needs and use of surveillance technologies -- We want to get to a place where we are not constantly responding to a crisis but approaching it upstream. Avoid being reactionary, thinking ahead.</p>	<p>Question 3: What does this mission statement mean to you? How would you interpret these statements? What is missing?</p>
<p>Data deletion - it is important to not hold onto data forever. How is it kept, for how long? Will it be shared any other ways after its initial use? This might be part of bullet point two, but should be more explicit</p>	<p>Question 3: What does this mission statement mean to you? How would you interpret these statements? What is missing?</p>
<p>re: data deletion - this relates to the policies and practices piece (bullet point two) - To create a transparent, collaborative process for identifying the policies and practices that need to be in place to be consistent with the Privacy Principles and protect the Human Right to privacy</p>	<p>Question 3: What does this mission statement mean to you? How would you interpret these statements? What is missing?</p>
<p>“Second and third order effects of surveillance”. When you adopt a new surveillance technology, it expands the government’s power and capacity in ways that are not always visible. When you try to evaluate them and if the government should use them, evaluate how it impacts the balance of power. It can expand the extent of government in a way that was not intended.</p>	<p>Question 3: What does this mission statement mean to you? How would you interpret these statements? What is missing?</p>
<p>“my impulse is to say that if there is data that you don't want to be made available via public data requests, you should not be collecting.”</p>	<p>Question 3: What does this mission statement mean to you? How would you interpret these statements? What is missing?</p>
<p>“I know that data minimization is a part of the Privacy Principles, but I really like the idea of explicitly mentioning this value in the governance mission - wrapping this into the data lifecycle conversation, perhaps.”</p>	<p>Question 3: What does this mission statement mean to you? How would you interpret these statements? What is missing?</p>
<p>“Perhaps mentioning balance of power as Chris suggested and also the potential for manipulation of the electorate in ways that could prevent an easy fix in the future, as major risks of surveillance over time might be important”</p>	<p>Question 3: What does this mission statement mean to you? How would you interpret these statements? What is missing?</p>



**Event at the Miracles Club – Group 1 - June 14, 2022**

Notes on Community Leads Event O’Nesha- 6/14/2022 2:00-4:00 Group #1

Topic / Time	Questions/Reponses
Welcome (15 min)	<p><b>Question: Why do we need information privacy?</b></p> <ul style="list-style-type: none"> <li>● identity theft, privacy, because we don’t want it, none of people’s business?</li> <li>● As we grow in this world and have grown accustomed to tech, what are we taking for granted</li> </ul>
<p><u>Video presentation</u> (30 min)</p>	<p><b>Question: How does privacy/lack of privacy affect us?</b></p> <ul style="list-style-type: none"> <li>● When you put information in it is getting gathered and shared to other places- it is following your footsteps through that process</li> <li>● When you go online and answer any one thing, you get all these people trying to reach or contact you- all these other entities are connected without our permission</li> <li>● Google: they got so big because of this</li> <li>● Is this why we shouldn’t accept cookies?             <ul style="list-style-type: none"> <li>○ What does it mean to be tracked by a cookie? Some are more invasive than others and they are varied.</li> <li>○ Third party cookies are more invasive and share data behind the wall</li> </ul> </li> <li>● If you don’t read through the fine print on privacy policies? There’s a false expectation of options</li> <li>● If I don’t accept the cookies, then I don’t get to see something? I have no choice but to accept             <ul style="list-style-type: none"> <li>○ that is wrong, and I don’t like your cookies!</li> </ul> </li> <li>● Hector: The right to self-determination- without our privacy, we don’t get that. Constantly being tracked based on the information generated.</li> <li>● Patriot Act and the demise of our privacy-how do they relate?             <ul style="list-style-type: none"> <li>○ Privacy protections went down under certain circumstances. This is being used against immigrants and protesters under the guise of national protection</li> <li>○ definitely impacts our civil rights and liberties</li> </ul> </li> <li>● What does it mean to create a policy that is responsible, anti-racist, and equitable?             <ul style="list-style-type: none"> <li>○ The goal is for the city to collect the minimal amount of information necessary.</li> </ul> </li> <li>● When talking about City Core values, there was a question by what we mean by fiscal responsibility</li> </ul>

Data Mapping Activity

(30 minutes)

**Question: What is the data being collected from you?**

- Everything that I put down; I have offered this information- everything I do I have offered this because I was applying. All of these forms collect more than they need- race, gender, etc. for profit?
  - Regardless of if it is a utility, organization, private business.
  - They didn't need cookies because everything is already set up to give them what they need/want.
- How it's collected is always the same
  - in order to get anything, I have /give something about myself
- Does this mean they can group people and see what they're doing?
- In certain areas your insurance cost more? Why because of data/statistics being collected from us
- Recently just did the census- this is how communities get the funding that they need
  - we didn't know that for a long time as a community- thought they were just being busy and making problems
  - When strange people come knocking on your door why are you to trust them?
  - Who is staffed to help or volunteer with the census matters
- Had I known that coming to such meetings was to make a change in my community I would have participated.
  - I used to just throw out notices about public meetings
- Can we be in control of our own data? Make use of it within your own communities?
- Does Portland police have access to a lot of data? Yes: they have some of the most organized data.
  - PPB: broke my back and had a traumatic experience- how vulnerable the population is when the elite are in control of all of our data.
- Those databases like your record can be used against you in many ways
- Putting this information on paper in the activity, makes it real

Surveillance/ Policy Information

**Question: What is surveillance?**

- cameras, Alexa, facial recognition- like when you go to the casino and it takes your ID, pawn shop, warrantless surveillance, walking through the airport, fingerprint taking, even when you're dead your information can still be taken
- Scary to think that they have built so much power, by controlling where communities can go (based on rent prices), and they come in and surveille folks
- How do you start setting up your own profile if everything is controlled by other people?
  - How would you be able to put all your information in a safe place?
- Communities need their own experts and advocates- we need people who understand the reality of the community.

**Question: How does surveillance work?**

- |  |   |
|--|---|
|  | <ul style="list-style-type: none"><li>● Its connected to camera, people, paper trail, internet connection, your phone, automated systems<ul style="list-style-type: none"><li>○ Trying to communicate that surveillance is really a chain- process and decisions that go down the chain that then creates trends and predictions</li><li>○ controls things like insurance, or fraud detection- this is the basis of the map being created.</li></ul></li><li>● Can camera's just turn on without your permission?<ul style="list-style-type: none"><li>○ Possible in some cases but not always?</li></ul></li></ul> |
|--|---|

**Event at the Miracles Club – Group 2 - June 14, 2022**

Notes on Community Leads Event O’Nesha 6/14/2022- 4:00-6:00 p.m. Event #2

Topic / Time	Details
Welcome (15 min)	<p><b>Question:</b> Why do we need information privacy?</p> <ul style="list-style-type: none"><li>● Important to have a right to privacy- all of this has value; people should be compensated for their information that people</li><li>● Doesn’t trust people or the government<ul style="list-style-type: none"><li>○ how is this being used- my images can be used in the and so can location</li></ul></li><li>● Our public domain is enlarging and enclosing on our personal privacy areas, our privacy is shrinking<ul style="list-style-type: none"><li>○ When do I get to contest- no you can’t take a picture of me? In public my image can be used like free came because I am in the public domain, but I don’t think it really should be.</li></ul></li><li>● Public domain- is for some people, but not for others- privacy divide, people who can pay for their privacy and those who cannot<ul style="list-style-type: none"><li>○ reasonable expectation of privacy is not being adhered to.</li></ul></li></ul>
<u>Video presentation</u> (30 min)	<p><b>Question: How does privacy/lack of privacy affect us?</b></p> <ul style="list-style-type: none"><li>● Algorithms don’t make sense- something is decided for you</li><li>● Ties back to racial part- collecting data like are they going to be able to pay their loans back, rental information, all of that is collected and they then decide if you’re “worthy”</li></ul> <p><b>Question: What are cookies?</b></p> <ul style="list-style-type: none"><li>● Privacy preferences- usually pretty nebulous and vague about cookies</li><li>● When we started to issue devices to students, they had to sign that the information students searched was within accessible by school- and that their home networks were subject to tracking/info collection<ul style="list-style-type: none"><li>○ disproportionately impact poor folks who spend the most time in private domains</li></ul></li><li>● This is just racial and economic profiling- just now called digital</li><li>● Gatekeepers- can’t get through unless I put information in to access it- and it in no way benefits me<ul style="list-style-type: none"><li>○ I can’t get to the next phase willingly, and its really just coerced and really invalidates my privacy</li></ul></li><li>● You go through a real estate process and then all of a sudden you’re on a call list- Why?</li><li>● Where does this stuff get stored, how is it used in the future, can it be used for bad, how long?</li></ul>

	<ul style="list-style-type: none"> <li>● Am I going to be able to make a request? For information from the city or government, see what information and how is collected? Can it be corrected</li> <li>● Why do you need to know what color I am when I am just trying to buy a cellphone?</li> <li>● Does my data have a shelf life?</li> <li>● What does working with the community mean? <ul style="list-style-type: none"> <li>○ Hector: Means that the city needs to be in collaboration with the community- that questions should be asked to folks- maybe they need something else?</li> </ul> </li> </ul>
<p><u>Data Mapping Activity</u> (30 minutes)</p>	<p><b>Question: What is the data being collected from you?</b></p> <ul style="list-style-type: none"> <li>● We already kind of knew but when you put it on paper you really feel it</li> <li>● I am on probation, so I am already watched</li> <li>● Society is moving more to digitalized- everything is moving to quick on your phone</li> <li>● Feels like everything is digitized, artificial, moving too fast</li> <li>● Apple just announced facial recognition is going mainstream</li> <li>● My phone is already knows so much about me- the chip inside of us concept seems to be what we're moving towards but with our permission through phones/tech</li> <li>● Insurance companies offering discounts for rates by taking real time data from us</li> <li>● When someone needs help why do they need to know</li> <li>● Entity to entity is connected, somehow I am in the middle- how to I untangle myself from this?</li> <li>● What agency do I have? We need to be more explicit in what is happening- make it bold print, not fine print. <ul style="list-style-type: none"> <li>○ Give me some cookie preferences, let me opt out of certain things?</li> </ul> </li> <li>● How far am I allowing ease of access trade for privacy?</li> <li>● In advertising, they make it sound like we're doing you a favor? When really behind the scenes they're getting you</li> <li>● Does the city/police use Lexus nexus? Data aggregators? Auditors have a report on what to do <ul style="list-style-type: none"> <li>○ What power do we have against the government?</li> </ul> </li> <li>● Feels like I am in the middle of a web- How do I get out of this? Information shared about me is not even going through me</li> </ul>
<p><u>Surveillance/</u></p>	<p><b>Question: What is surveillance?</b></p>

Policy  
Information

- What does it mean: minimum amount of data? If there is not a clear answer as to why the information is collected then we shouldn't do it-
- sometimes, city is mandated to collect certain info-
  - if that is the case then who is in charge and gets to know it and move data around.
- Development of equitable data to be used? We need to be asking our legislators to involve us in how we use our data- how to advise officials on how to use and get data in a safe way? Sometimes we do need this information?
  - Involve us in how we use the data, we do need someone to know this stuff and there are healthy ways to use data
- Principles that are documented that govern how the information is used?
- And can we get a real campaign to inform us?
  - Then we can prepare and arm ourselves accordingly.
  - Not just an email, but a real marketing campaign
- Sometimes I limit sharing my feedback because I don't want to share enough to make it easier to surveil

**Event at the Sunrise Center – Group 1 (In Spanish) - June 23, 2022**

Notes on Community Leads Event Yoana- 6/23/2022 5:00-7:00 p.m. Event #1

Topic / Time	Questions/Reponses
<p>Welcome (15 min)</p>	<p><b>Question: What surveillance technology have you observed?</b></p> <ul style="list-style-type: none"> <li>● Cell phone and television, computer, social media, Facebook, the news, camera that are on the road,</li> <li>● Younger generations are maybe the most affected by all the new technology that exists</li> <li>● When we have round tables policy discussion, there's a lack of diversity so it's important that we continue to grow and bring more people to the table.</li> <li>● All the privacy- stuff that we sign, where does it all go? A lot of the time we don't know where it goes, who has it?</li> </ul> <p><b>Question: Why do we need data privacy? When?</b></p> <ul style="list-style-type: none"> <li>● We need it to prevent identity theft, social security numbers have a lot of information             <ul style="list-style-type: none"> <li>○ so no one knows how much you make, where you live, when someone has the same name as you it's easy for them to pretend to be you/ pretending to be someone you know</li> </ul> </li> <li>● What happens when it gets to the judge, and consequences happen from misidentification, the wrong person is apprehended and there goes 20 years of their life,             <ul style="list-style-type: none"> <li>○ Needs to be more in-deep, the investigation needs to be more in depth despite all of the data available- it's hard when we don't know what information people have about us. (Biometric data)</li> </ul> </li> <li>● Ex: when someone wants to buy or rent a house- landlords need to know who the person is, and there are systems where that information gets transacted, and they can learn a lot.             <ul style="list-style-type: none"> <li>○ At the end of the day these information systems can dictate who gets access to what?</li> </ul> </li> <li>● Yoana: the realness of others having my data/information when undocumented, the fear of giving too much information</li> <li>● It seems that the government already has so much information,</li> <li>● Anything we do the government takes the same information from us but why if they already have it?             <ul style="list-style-type: none"> <li>○ The government can choose whether they use it?</li> </ul> </li> <li>● If it wasn't for us keeping things running this would be no good             <ul style="list-style-type: none"> <li>○ all we have to do is wake up and they'll know who you are it's a matter of what they want</li> </ul> </li> <li>● IRS is another example- they know everything, they just choose not to do anything about it.</li> <li>● The government- it benefits them to have undocumented people- look at their taxes- it's so political</li> <li>● When you have a bill and you don't pay it, they pay to make sure someone follows you and they have all your information that they paid for to get.</li> <li>● The government already has a lot of information, it's interesting that all our information is being amassed,</li> </ul>

	<p>and it's scary to know all our information can be gathered into one place, even our medical information</p> <ul style="list-style-type: none"> <li>• With all that information that's available about us, our privacy rights are more important than ever for self-determination individually and as a community</li> </ul>
<p><u>Video presentation</u> (30 min)</p>	<p><b>Question: What did you take from this video?</b></p> <ul style="list-style-type: none"> <li>• From simply having a computer people begin to be tracked and learn things about you</li> <li>• There really isn't privacy anymore- when you go on Facebook, it already knows so much about you that is directly from your phone.</li> <li>• I got a card in the mail saying I owed money on my house which I knew wasn't true but sometimes people don't know <ul style="list-style-type: none"> <li>○ someone was able to target me by name and address in order to do this.</li> </ul> </li> <li>• Under certain circumstances the government always has the right to your privacy</li> <li>• In these situations, there's so many times you sign, and no one is really reading the fine print, and then you sign away your rights</li> </ul>
<p><u>Data Mapping Activity</u> (30 minutes)</p>	<ul style="list-style-type: none"> <li>• I have a friend with a son with disabilities and they went to apply for a program, they applied but they were asking a lot of personal information, including finances <ul style="list-style-type: none"> <li>○ they got a response that they made too much money to qualify for this program so they wouldn't get help.</li> <li>○ Also, any program you apply to when you need help requires a great deal of personal information from you!</li> </ul> </li> <li>• Schools asking for vaccine information and collaborating with medical records to see if they're telling the truth, the bank also has a lot of private personal information</li> <li>• Credit reports/credit history- everything people know from data brokers who sell to banks and other entities to gather this kind of info.</li> </ul>
<p><u>Surveillance/ Policy Information</u></p>	<p><b>Question: What are digital surveillance technologies? How do we consider or decide whether we decide to use these technologies?</b></p> <ul style="list-style-type: none"> <li>• Computers, cameras, Hector described cookies</li> <li>• What/how are drones used for? How much can they see?</li> <li>• We think it should be community</li> <li>• When someone dies, then what happens with their personal data? <ul style="list-style-type: none"> <li>○ Hector: it continues to be in circulation, tied, social security numbers are an example of that.</li> </ul> </li> </ul>



**Question: What is the proper way to use surveillance tech? What is the best approach?**

- I'm the one who should be saying yes or no- not the government or anyone else
- We have the right; I'd like to know exactly how my information is being used. It's hard to take back information once it's given
- Feels good to be heard and to learn something new.

**Event at the Sunrise Center – Group 2 (In Spanish) - June 27, 2022**

Notes on Community Leads Event Yoana- 6/27/2022 5:00-7:00 Event #2

Topic / Time	Questions/Reponses
Welcome (15 min)	<p><b>Question: What surveillance technology have you observed?</b></p> <ul style="list-style-type: none"><li>● Oregon Food Bank asked for personal information and card information today- called Yoana to see if that was normal?<ul style="list-style-type: none"><li>○ Fraud is a big problem in our lives</li></ul></li><li>● Often when you fill out an application, there's a lot to read, but if you pay a little bit of attention, you'll see that often it will say something to the effect that your data can and will be shared with other entities, or it will say we will keep your personal information private<ul style="list-style-type: none"><li>○ you never know what it will say so you have to see the details.</li></ul></li><li>● How do they get our personal information to begin with?<ul style="list-style-type: none"><li>○ The people that contact me definitely shouldn't know my information</li></ul></li><li>● I only want to give my information to those who I need to, for example, when I want to buy a plane ticket, they want so much information, and you can't escape it now no matter what you buy?</li><li>● If I want an account with a store for discounts, I have to give them so much information just to be a member where I am already giving my money<ul style="list-style-type: none"><li>○ When they see what we buy, that's what the coupons are suddenly focused on that come to my house</li></ul></li><li>● They make it obligatory; you can't opt out and you can't get the discount without using you grocery store card where they see what you buy</li><li>● It's by force not really by choice</li></ul>

<p><u>Video presentation</u> (30 min)</p>	<ul style="list-style-type: none"> <li>● <b>Question: What did you take from this video?</b></li> <li>● Everything takes your information</li> <li>● Sometimes I'm thinking, are they listening to us?</li> <li>● Happens all the time Alexa and Siri are always listening</li> <li>● Where do I find where to say that I don't want to give permission? It's always so hard to find and it's on purpose and they're always asking for more permission</li> <li>● When my kids are on my phone they have bought stuff without even having my card? <ul style="list-style-type: none"> <li>○ Because cookies are on browser and save any information you've previously put?</li> <li>○ I always say no when it asks if I want to remember for future use because I don't know where or who is saving this information</li> </ul> </li> <li>● In reality I really feel like we just don't have privacy –</li> <li>● Prior to the pandemic we never had to deal with this stuff as much and now it is constant- <ul style="list-style-type: none"> <li>○ it has obligated the world to function and deal with these things – we were really forced to enter the digital world and there's a lack of info/knowledge in our communities <ul style="list-style-type: none"> <li>■ there's no option to not know how to read or be digitally literate</li> </ul> </li> </ul> </li> <li>● In schools once my kid gives their tech back, is all that information destroyed? Is it really wiped clean after the tech is given to the next family? <ul style="list-style-type: none"> <li>○ How long does that information live for?</li> </ul> </li> <li>● Sometimes we go to a lot of places and they ask you for so much and other times that doesn't happen- it's important to ask why? <ul style="list-style-type: none"> <li>○ Why they need that information if someone else does not, what are they doing with it?</li> </ul> </li> <li>● In our jobs they are also asking for my biometric information and there's so much of my personal information attached to that <ul style="list-style-type: none"> <li>○ but without giving my print I couldn't work because that's my form of checking in and out</li> </ul> </li> <li>● Now so many places are requesting bank account stuff but if I don't have a bank account, I have to use this in between card that charges me weird fees</li> </ul>
<p><u>Data Mapping Activity</u> (30 minutes)</p>	<ul style="list-style-type: none"> <li>● For me everything in my life connects back to some record I filled out at some point</li> <li>● DMV details go out to the state of Oregon and</li> <li>● Sometimes when I wonder how someone knows something <ul style="list-style-type: none"> <li>○ I think it's because at some point, I filled something out</li> </ul> </li> <li>● Public transportation is another example- I couldn't use cash anymore and now where I move is connected to my card.</li> <li>● There's a school program that asked a bunch of questions about how much help I have gotten plus more information, and I didn't want to give it so at that point I am left out</li> </ul>

Surveillance/  
Policy  
Information

**Question: What are digital surveillance technologies? How do we consider or decide whether we decide to use these technologies?**

- Cameras, cell phones, transactions through your phone where scanning happens,
  - Really, we're just watched from all direction all the time
- What are you supposed to do? You have to go outside to move and take care of things?
  - There are a lot of people who don't drive well so I understand why some of these cameras are being used
- If someone is protesting, those cameras can be used by gov for bad to see where it is that you've been-wrong place wrong time
- Situations like China where the surveillance technology is used against citizens and they're always watching
  - Hector: its complicated, China has strong privacy laws against companies that we don't have here in the US

**Question: How do surveillance technologies work? How do we activate?**

- What can we do?
- When we do the census, they want to know so much about us and the only thing they do to make us feel secure is to not take our social security number, but you know that all your other information is being taken by the gov and shared.
- Be more careful and ask more questions before you sign up for something- is there a way to know if someone is using my information?
  - Do I have the right to give or not give my information if I don't want to?
- Trying to really only give information that is needed and nothing more when you can
- Its okay for entities to take information, I understand its necessary, but its not okay for them to pass it on to other hands, and we should prevent that

**Event organized for the IRCO community – Group 1 (Remote) - June 21, 2022**

Notes on Community Leads Event Surya- 6/21/2022 5:30-7:30 Event #1

Topic / Time	Questions/Reponses
Video Presentation	<p><b>Question: Why do we need information privacy?</b></p> <ul style="list-style-type: none"> <li>● In a way helps protect the information we don't want to share with others</li> <li>● Having consent and knowing what is being shared already, some of my private information that I want to keep for myself               <ul style="list-style-type: none"> <li>○ not having a transparent understanding of that is going on is concerning</li> </ul> </li> <li>● To protect ourselves from malicious acts- not everyone uses privacy in a good way but some people use it to actively harm and is important to keep in mind</li> </ul>
Mapping Activity	<p><b>Question: What are cookies?</b></p> <ul style="list-style-type: none"> <li>● Things that show you things that are similar to what you might want?</li> <li>● Seeing a video about how companies will sell information resonates with me because of data collection               <ul style="list-style-type: none"> <li>○ this week shopping for car insurance, at the end of shopping, it listed my own information to me before I actually gave them any information at all- was something that surprised me a lot!</li> </ul> </li> <li>● There are cookies everywhere when you search up something or buy something and I feel that some people don't know what it is so they just accept it.</li> <li>● <a href="https://privacy.net/stop-cookies-tracking/#:~:text=How%20to%20stop%20tracking%20cookies%201%20Do%20not,...%203%20Disconnect.%20...%204%20Adblock%20Plus.%20">https://privacy.net/stop-cookies-tracking/#:~:text=How%20to%20stop%20tracking%20cookies%201%20Do%20not,...%203%20Disconnect.%20...%204%20Adblock%20Plus.%20</a></li> </ul>
<u>Surveillance/ Policy Information</u>	<ul style="list-style-type: none"> <li>● In Portland do we have face recognition?               <ul style="list-style-type: none"> <li>○ No it was banned via different groups of individuals, banned cdus and face recognition in public places</li> </ul> </li> </ul>

**Event organized for the IRCO community Group 2 (Division Midway Alliance office) - June 23, 2022**

Notes on Community Leads Event Surya- 6/23/2022 5:30-7:30 Event #2

Topic / Time	Questions/Reponses
Welcome/Intro	Audience: Majority college students
Video Presentation	<p><b>Why is privacy important?</b></p> <ul style="list-style-type: none"> <li>● Personal data- bank accounts and everything, make sure it's safe and not released to public, not used against us</li> <li>● So many hackers or websites that can get your data</li> <li>● Viruses on computer and all information is on the computer</li> <li>● COVID example-virus- we need space and protection</li> <li>● Personal information is used to get housing, pay people, shop online, it's going out there a lot</li> <li>● Tracking of activity for minors/children- advertising and tracking- feels inclusive</li> <li>● Governments go through a lot of changes- need to safeguard since many have to interact with government to get needs met</li> </ul>
Mapping Activity	<ul style="list-style-type: none"> <li>● Banks, investing apps- social security info for tax purposes               <ul style="list-style-type: none"> <li>○ Third parties collecting the data</li> </ul> </li> <li>● Bank info- online shopping</li> <li>● Items in your shopping cart- appear in other apps</li> <li>● Physical data- key replacements</li> <li>● Location data</li> <li>● Image on various apps</li> <li>● Phone number</li> <li>● Fingerprints</li> <li>● Addresses</li> <li>● Date of birth</li> <li>● Earnings- income</li> <li>● All these entities have connections, and they can share information directly to other entities</li> <li>● Applying for public assistance- all information about you, your family, your children</li> <li>● Without giving up data we cannot get services, how can it be safer? Will we be safe?</li> </ul>

Surveillance/  
Policy  
Information

**What is surveillance technology?**

- Pro: safety – accident or criminal case and cameras can be used to check
- Con: people lose their privacy, being seen
- Cameras

**How to make an impact?**

- Decrease the time you spend on phone apps- personal responsibility
- Turn off location services on phone
- Phone already knows I am going to work and to the gym- it knows your routine
  - Feels creepy
- Apple phones- disallow apps not to track your information
- If we know how to make ourselves safe, help others around us to be safe- our parents, elderly communities
- Pass this information to community members- how to use the technology, many have phones, many share information when asked and not know the consequences
- Encourage elected officials to think about and prioritize privacy

## Letter from PDX Privacy – May 31, 2022

To:

Dr. Hector Dominguez  
Smart City PDX  
1900 SW 4th Avenue, Suite 7100  
Portland, OR 97201  
Hector.DominguezAguirre@portlandoregon.gov

Ms. Judith Mowry  
Office of Equity and Human Rights  
421 SW 6th Avenue, Suite 500  
Portland, OR 97204  
judith.mowry@portlandoregon.gov

May 31, 2022

Dear Dr. Dominguez and Ms. Mowry:

We were very happy to learn that city staff are working on a surveillance ordinance for Portland. While you were already aware of the need for such an ordinance, the results of the recent city of Portland Auditor's report on police surveillance illustrate why residents and visitors of Portland would be well-served by having one in place. As you know, a surveillance ordinance can enable transparency and oversight while also ensuring an informed approval process for all surveillance technologies used in the city.

We would like to acknowledge your diligent efforts in building a privacy-focused city and for working with our community to best represent our voices and rights in city policy. Working with you in past efforts has been inspiring, and we are glad to be a part of this effort now to create a comprehensive surveillance ordinance. We write to you hoping that you take into consideration our suggestions for a strong and effective law.

As you know, our organization has been educating the community about privacy-related issues for several years now and working to get people involved in the process of developing the surveillance ordinance. Additionally, we've participated in the various informational meetings and work sessions that have been held to date. Because limited time is available during meetings, and we want the voices of other community participants to be heard, we are following up with you now to share some additional thoughts we have about items we feel are important to include in the ordinance.

Personal privacy is necessary to human dignity and to a free society, and in the interest of a livable and welcoming city, strictly limiting and tightly controlling surveillance is important.

As any form of surveillance carries negative consequences, the pros and cons of any proposed use of surveillance technology must be carefully weighed. Furthermore, the public must be fully informed about all forms of surveillance conducted in the community, or proposed to be



conducted, and retain control over decisions about the appropriateness of any form of surveillance.

Constant surveillance erodes the law's presumption of innocence, and collecting large amounts of data offers opportunities for fabricated narratives that shift the government's duty to prove guilt onto the accused, who must prove their innocence. Thus, surveillance data should only be kept as long as needed to fulfill the purpose for which it was originally collected and then be deleted. Any new purposes must be assessed via the surveillance review process and approved by City Council.

The ordinance must apply equally to every city bureau and to every type and every use of surveillance technology, and the definition of surveillance must be broad enough to include the acquisition and use of data from private companies and government agencies outside the city. The ordinance also must apply to any and all surveillance conducted by city contractors or vendors on behalf of the city, private entities in partnership with city bureaus, and any surveillance technology that the city allows to be installed on city property or requires or encourages the public to interact with. In short, the city must not be permitted to circumvent transparency, approval, or oversight requirements by outsourcing surveillance to private entities.

City Council approval must also be required for all contracts with surveillance-tech vendors or other entities prior to contract execution. The purchase or use of surveillance technologies must not be subject to non-disclosure agreements (NDAs) with vendors or other entities, and when public-private collaborations are deemed acceptable, all data collected by the private parties should be treated as though both parties are public agencies. Any conflicting contractual agreements or NDAs must be voided and deemed unenforceable. If a private entity is able to store/use the data, then all parties that have access to that data should be held to the same public agency standards that the ordinance covers.

Tools used to obtain city services or benefits, provide comments and participate in public debate, or otherwise interact with the city, can constitute surveillance technology. For example, the city hosting a public meeting using Zoom, a proprietary software application that surveils users on behalf of a for-profit company, is a use of surveillance technology. Open-source tools, such as those offered by [systemli.org](https://systemli.org) and [Etherpad](https://etherpad.com), generally provide better privacy protections for users than do proprietary devices, software, and systems. We have a list of potential options available on our website as do many other privacy-focused organizations.

Critically, the ordinance must not contain any broad exemptions from oversight requirements that could defeat the purpose of having a surveillance ordinance. Any exemptions, if indeed there are to be any, must be narrowly tailored to their intended purpose. Any type of "emergency exemption" for exigent circumstances must have a time limit, with timely compliance afterward.

The fundamental principle of a good surveillance ordinance must be that, prior to the acquisition or use of any surveillance technology or system by any city bureau, the city council must approve such acquisition or use. When considering whether a surveillance technology or system should be adopted, the default action should be to *not* approve a technology unless the proposed usage effectively guards civil liberties and civil rights, and the benefits can be shown to outweigh the costs. Agencies wanting to use surveillance should have to justify usage.

To ensure transparency and effective control, city council approval must be required for the specific policies that will govern the use of such systems. Naturally, the requirement for transparency, without which democratic government cannot survive, necessitates that the text of all policies governing the use of surveillance technology, and the text of all contracts with vendors, must be publicly available both prior to and following adoption.

To ensure public engagement, such decisions must be required to be made after public deliberation with opportunities for public testimony. To be meaningful, the opportunity for public debate must be of adequate duration, and agencies must provide details about the proposed surveillance systems prior to the window for public input. The public should have the opportunity to provide comment in a private and anonymous manner.

The ordinance should assure transparency of any algorithms used to make decisions affecting peoples' lives by making public: the complete software source code and other parameters that define the algorithm, details about the algorithmic development process, and all policies pertaining to the use of the system.

We support the creation of a community privacy oversight board to consider current and proposed uses of surveillance technology and to advise on matters of surveillance policy, as this will provide human oversight into the surveillance decision-making process. Without such oversight, users of technology can become over-reliant on the output of software and software derived conclusions, potentially ignoring exonerating information. Therefore, the oversight board should represent a diverse set of viewpoints, including technologists who have an understanding of surveillance systems. Moreover, the board should *not* include industry representatives or others who benefit from adopted systems.

The first step in establishing community control over surveillance must be a thorough inventory of the surveillance technologies already in use. All current surveillance systems and activities, and the policies governing them, must be approved by the city council within a reasonably defined time frame, and any surveillance not so approved must immediately cease. Any new surveillance acquisitions or activities must be approved in advance of use.

The ordinance must regulate each use of surveillance technology by requiring the responsible bureau to report regularly on the cost, extent and frequency of use, effectiveness or non-effectiveness at achieving the intended purpose, and severity of harmful effects. Of course, such a requirement will place little to no burden on bureaus conducting little or no surveillance. The ordinance should also include whistleblower protections so that any city employee who reports on violations of the ordinance may not be subject to firing, discrimination, or other acts of retribution as a result of reporting non-compliance with the ordinance.

In order to be effective, a surveillance ordinance must be enforceable. Means of enforcement should include: clear guidelines for implementation, a private right of action, an investigation bureau to ensure compliance, an oversight board, regularly scheduled audits, implementation announcements, clearly posted notices for areas utilizing surveillance technology, and transparency with the public. A private right of action is a way for aggrieved parties to sue bureaus for noncompliance with the ordinance. The ordinance should specify that a violation of the ordinance intrinsically constitutes a harm, and provide for the awarding of attorney's fees to a prevailing plaintiff.

We ask that this ordinance include a maximum time limit on the use of surveillance technologies. This restriction is to ensure that approved surveillance technologies are not used in perpetuity and to ensure that approved technologies are not updated without permission. Finally, while regulating private use of surveillance technology may not be within the intended scope of the ordinance currently being drafted, we urge the city to later consider addressing the use and regulation of private-sector surveillance technologies and methods. We have attached an outline of our recommendations to clarify our requests.

Thank you for your work on creating a surveillance ordinance for residents and visitors of Portland and for your focus on communities that are usually both overlooked and most frequently surveilled. The most impactful legislation represents the voices of the whole community and resonates when those voices are reflected in the writing of our laws; so, thank you also for making your meetings and workshops open to the public and for taking the time to consider our suggestions.

A strong surveillance ordinance will greatly benefit the city and make Portland a leader in community control over surveillance. We look forward to continuing to work with Smart City PDX, the Office of Equity and Human Rights, city commissioners, and other civil society groups and community members in creating an ordinance in which we can take pride and that serves as a model for other jurisdictions.

Appreciatively,

Aire Taylor, Chris Bushick, Nate Brauer, and Sheila Golden

on behalf of PDX Privacy <https://www.pdxprivacy.org>

## **PDX Privacy outline of surveillance ordinance recommendations**

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### Scope of the Ordinance

1. The ordinance must apply equally to every city bureau and to every type and every use of surveillance technology.
2. The definition of surveillance must be broad enough to include the acquisition and use of data from private companies and government agencies outside the city.
3. The ordinance must apply to any and all surveillance conducted by city contractors or vendors on behalf of the city including
  - private entities in partnership with city bureaus
  - any surveillance technology that the city allows to be installed on city property
  - any surveillance technology the city requires or encourages the public to interact with
4. The city must not be permitted to circumvent transparency, approval, or oversight requirements by outsourcing surveillance to private entities.

- City Council approval must be required for all contracts with surveillance-tech vendors or other entities prior to contract execution
  - The purchase or use of surveillance technologies must not be subject to nondisclosure agreements (NDAs) with vendors or other entities
  - Any conflicting contractual agreements or NDAs must be voided and deemed unenforceable
5. When public-private collaborations are deemed acceptable, all data collected by the private parties should be treated as though both parties are public agencies.
    - If a private entity is able to store/use the data, then all parties that have access to that data should be held to the same public agency standards that the ordinance covers
  6. Tools used to obtain city services or benefits, provide comments and participate in public debate, or otherwise interact with the city should protect user privacy.
  7. The ordinance must not contain any broad exemptions from oversight requirements that could defeat the purpose of having a surveillance ordinance. - Exemptions must be narrowly tailored to their intended purpose. Any type of "emergency exemption" for exigent circumstances must have a time limit, with timely compliance afterward
  8. Prior to the acquisition or use of any surveillance technology or system by any city bureau, the city council must approve such acquisition or use.
  9. When considering whether a surveillance technology or system should be adopted, the default action should be to *not* approve a technology unless the proposed usage effectively guards civil liberties and civil rights, and the benefits can be shown to outweigh the costs. Agencies wanting to use surveillance should have to justify usage.
  10. City council approval must be required for the specific policies that will govern the use of such systems.
  11. The text of all policies governing the use of surveillance technology, and all contracts with vendors, must be publicly available both prior to and following adoption.
  12. City council decisions must be made after public deliberation with opportunities for public testimony
    - the opportunity for public debate must be of adequate duration
    - agencies must provide details about the proposed surveillance systems prior to the window for public input
    - The public should have the opportunity to provide comment in a private and anonymous manner
  13. The ordinance should assure transparency of any algorithms used to make decisions affecting peoples' lives by making algorithmic details public.

14. We support the creation of a community privacy oversight board that - represents a diverse set of viewpoints, including technologists who have an understanding of surveillance systems
    - does *not* include industry representatives or others who benefit from adopted systems
  15. The first step is to inventory the surveillance technologies already in use.
  16. Require approval of all current and new technologies/systems.
  17. The ordinance must regulate each use of surveillance technology by requiring the responsible bureau to report regularly on the
    - cost
    - extent and frequency of use
    - effectiveness or non-effectiveness at achieving the intended purpose - severity of harmful effects
  18. The ordinance should include whistleblower protections.
  19. In order to be effective, a surveillance ordinance must be enforceable and include
    - clear guidelines for implementation
    - a private right of action
    - the awarding of attorney's fees to a prevailing plaintiff
    - an investigation bureau to ensure compliance
    - an oversight board
    - regularly scheduled audits
    - implementation announcements
    - clearly posted notices for areas utilizing surveillance technology
    - transparency with the public
  20. Require maximum time limit on the use of surveillance technologies.
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### Why an Ordinance is important

21. Personal privacy is necessary to human dignity and to a free society.
22. Surveillance carries negative consequences.
23. Constant surveillance erodes the law's presumption of innocence. Surveillance data should only be kept as long as needed to fulfill the purpose for which it was originally collected and then be deleted.