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City of Seattle Privacy Impact Assessment

COBAN DISASTER RECOVERY PROJECT

Owner: Seattle Police Department

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Seattle
Information Technology

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PURPOSE OF PIA

A Privacy Impact Assessment is designed to outline the anticipated privacy impacts from a City project/program or project/program update that collects, manages, retains or shares personal information from the public. The PIA will provide project/program details that will be used to determine how privacy impacts may be mitigated or reduced in accordance with the City of Seattle Privacy Principles and Privacy Statement.

ABSTRACT

Please provide a brief abstract. *The abstract is the single paragraph that will be used to describe the project and* ***will be published on the Privacy Program website.*** *It should be a minimum of three sentences and a maximum of four, and use the following format:*

- *The first sentence should include the name of the project, technology, pilot, or project/program (hereinafter referred to as "project/program").*
- *The second sentence should be a brief description of the project/program and its function.*
- *The third sentence should explain the reason the project/program is being created or updated and why the PIA is required. This sentence should include the reasons that caused the project/program to be identified as a "privacy sensitive system" in the Privacy Intake Form, such as the project/program requiring personal information, or the technology being considered privacy sensitive.*

The objective of the SPD Coban Disaster Recovery Buildout Project is to improve the surety, availability, and planned retention of digital video captured by the Coban Digital In-Car Video Solution operated by the Seattle Police Department, and all associated metadata which contains very highly sensitive information.

PROJECT/PROGRAM OVERVIEW

Please provide an overview of the project/program. *The overview provides the context and background necessary to understand the project/program's purpose and mission and the justification for operating a privacy sensitive project/program. Include the following:*

- *Describe the purpose of the system, technology, pilot or project/program; the name of the department that owns or is funding the project/program and how it the project/program relates to the department's mission;*
- *Describe how the project/program collects and uses personal information, including a typical transaction that details the life cycle from collection to disposal of the information;*
- *Describe any routine information sharing conducted by the project/program both within City of Seattle departments and with external partners. Describe how such external sharing is designed with the original collection of the information.*
- *Identify any major potential privacy risks identified and briefly discuss overall privacy impact of the project/program on individuals*

- *Identify the technology used and provide a brief description of how it collects information for the project/program.*

  The purpose of this project is to prevent possible loss of data (video) due to the lack of storage to sustain the current growth of the data intake and ability to serve the police and the public through the Coban application. The system collects video by the police doing their daily operational duties. Seattle IT now owns this program in conjunction with Seattle Police Department. SPD has used the Coban system to record in-car video since 2008. While all types of personal information could be captured by the police via the video or audio during their daily work, the application does not change the nature of the video captured for the past nine years. Currently video is captured and kept permanently due to the DOJ's mandate on the SPD. Video may be shared both with other agencies; such as King County or Washington State Patrol, defense attorneys, and even the public via public disclosure requests. Video is delivered electronically via the City's GovQA system or exported to DVD and then sent to the requester. If it's to the public the video maybe redacted. Video must be collected via the application (Coban) to maintain a chain of custody since video is considered police evidence.

NOTIFICATION

1. ***How does the project/program provide notice about the information that is being collected?*** *Our Privacy Principles and Statement require that we provide notice to the public when we collect personal information, whenever possible.*
   - *Describe how notice will be provided to the individuals whose information is collected by this project/program and how it is adequate.*
   - *If notice is not provided, explain why not. (For certain law enforcement or other project/programs, notice may not be appropriate.)*
   - *Discuss how the notice provided corresponds to the purpose of the project/program and the stated uses of the information collected.*

   For the program: Officers are legally required to notify the public when they are being audio or video recorded. Washington's Privacy act specifies that: *A law enforcement officer shall inform any person being recorded by sound under this subsection (1)(c) that a sound recording is being made and the statement so informing the person shall be included in the sound recording, except that the law enforcement officer is not required to inform the person being recorded if the person is being recorded under exigent circumstances*. (RCW 9.73.090(1)(c)). Due to both the safety of both the officers and the public, the Privacy Act recognizes there might be instances where notification is impractical. SPD does provide access to video captured if requested via the Seattle Police Public Disclosure Unit which may redact video when necessary per state law. A data log captured by the application (Coban) is posted to the data.gov website.

   For this project: this question is N/A.

2. ***What opportunities are available for individuals to consent to the use of their information, decline to provide information, or opt out of the project/program?*** *Describe how an individual may provide consent for specific uses or whether consent is given to cover all uses (current or potential) of his/her*

information. If specific consent is permitted or required, how does the individual consent to each use? If notice is provided explain how an individual may exercise the right to consent to particular uses or decline to provide information describe the process. If this is not an option, explain why not. Note: An example of a reason to not provide an opt-out would be that the data is encrypted and therefore unlikely available to identify an individual in the event of a data breach.

For the program: There is no ability for the public to opt-out of the video recording. Giving the public ability to opt-out of recording would create gaps in the public interaction with officers, reducing the goal of transparency. Suspects, nonetheless, have the right to remain silent and victims and witnesses may decline to answer questions or provide specific information.

SPD will redact content exempt from disclosure from videos prior to releasing in response to public records requests as provided by the Washington Public Records Act. (Chapter. 42.56 RCW). Users could obtain a court order to have their information redacted from video and certain laws prevent information from being shared with the public. (RCW 42.56.540).

For the project: this question is N/A.

COLLECTION

3. ***Identify the information, including personal information, that the project/program collects, uses, disseminates, or maintains.*** *Explain how the data collection ties with the purpose of the underlying mission of the department.*

For the program: Since the video captures interaction between the public and officers in the course of a possible criminal incident any information about a person could be captured in police video. The video is considered police evidence. The content of a video may also be used for purposes of police accountability or for training.

For the Project: data is not being collected, but moved, stored and maintained.

4. ***Is information being collected from sources other than an individual, including other IT systems, systems of records, commercial data aggregators, publicly available data and/or other departments?*** *State the source(s) and explain why information from sources other than the individual is required.*

For the program: GPS information, police information (i.e. radio dispatches) may be captured in the audio of the video, other police application information (CAD, RMS, Access searches, DMV) could be read out loud and captured in the audio, and other agencies (WSP, FBI, Homeland Security) information could be announced over the radio, phone call or in person.

For the project: this question is N/A.

USE

5. ***Describe how and why the project/program uses the information that is collected****. List each use (internal and external to the department) of the information collected or maintained. Provide a detailed response that states how and why the different data elements will be used.*

For the program: The information being collected will be used for a variety of purposes including, but not limited to:

1. Supervisory review

a. Supervisors may review the video to determine if departmental policies were being followed by an officer in the course of their duties.

2. Reviewing video in the course of a use-of force complaint/investigation

a. Video may be used by internal investigations centered around whether inappropriate uses of force were used in the course of an officer's interaction with the public.

3. Training purposes

a. In order to improve the training of officers, video of appropriate and/or inappropriate interaction with the public may be used as a training tool.

4. Criminal investigations

a. Like other pieces of information collected at the scene of a crime, videos may be reviewed internally to collect evidence to be used in prosecutions.

5. Public disclosure

a. The public may request videos from the department in accordance with the public disclosure laws of Washington State.

6. Criminal prosecution

a. Prosecutors may review their videos to assist them in determining if an incident is to be prosecuted by the City or County.

b. A prosecutor may review videos to see if evidence to support their claims exist.

7. Evidence in a prosecution filed in a court of law

a. If a case is filed in a court of law that contains video evidence, the court may use the video in the course of the case.

8. Analytics by the DAP program

For the project: This question is N/A.

6. ***Does the project/program use technology to:***
    a. ***Conduct electronic searches, queries, or analyses in an electronic database to discover or locate a predictive pattern or an anomaly or***
    b. ***Create new information such as a score, analysis, or report?***

For the program: The video created will be searchable in the application itself. The application uses a SQL Database that lives on the application server. Searches will use metadata tags applied in the course of the video creation or soon after its creation. Metadata could contain: 1) Dispatch incident ID number 2) Records management system ID number/file name 3) Type of incident 4) Date and time of incident 5) Officer Name/ID number 6) GPS 7) vehicle ID 8) camera (front or rear). The information above would be searchable in the video management system. This information would be used as reference points to assist in the uses outlined above. Reports may be created that use the metadata embedded in the video for a variety of purposes. Coban has services that run daily that verify all data location and existence and report in logs. The DAP program, which is completely separate from this program (and project) does analysis on the Coban data.
For the project: The Coban application and various networking tools; such as security, FTP, and robocopy will be used to move, and track video.

7. ***How does the project/program ensure appropriate use of the information that is collected?*** *Describe any types of controls that may be in place to ensure that information is handled in accordance with the uses described above.*

For the program: Due to the sensitive nature of a law enforcement agency's functions in general and the data it collects, SPD has controls in place for data, mostly surrounding CJIS information. The application has secure login using user accounts and secure passwords. Active Directory is also used. The application also has a built-in chain of custody that tracks anything that touches the data. It tracks the type of use (event), user, and time by recording all that information in the database. All the information is available via logs. All external devices have
a unique vendor specific plug to it so they cannot be attached to a computer off the SPD network and view any data.

For the project: all data within Coban is secured via our network security features (i.e. VPN tunnels, firewalls, CJIS datacenters, etc.)

RETENTION

8. ***Does the project/program follow the City records retention standard for the information it collects?*** *Departments are responsible for ensuring information collected is only retained for the period required by law. City departments are further responsible for reviewing and auditing their compliance with this process. For more information, please see the internal retention schedule, here, and records retention ordinance, here.*

In addition, please provide answers to the following questions:

- *How does it dispose of the information stored at the appropriate interval?*

- *What is your audit process for ensuring the timely and appropriate disposal of information?*

For the program: Seattle Police Department is under a DOJ mandate to keep and maintain all video records and we are complying with that mandate. An updated retention policy is in the works, but has not yet been completed.

In addition:
• Coban has a built-in process that will delete the video and make proper notations in the logs. Coban still keeps the metadata.
• A disposal of information has not yet been decided due to the retention policy not being finished. The audit of such disposal would be done via the reporting in Coban, SQL queries (if needed) and the chain of custody built into the application.

For the project: it's the same as the program.

SHARING

9. ***Are there other departments or agencies with assigned roles and responsibilities regarding the information that is collected?*** *Identify and list the name(s) of any departments or agencies with which the information is shared and how ownership and management of the data will be handled.*

For the program: There are multiple agencies who will be handling the data as part of the discovery process around criminal cases. The agencies will be:

- City Attorney's Office
- King County Prosecuting Attorney's Office
- King County Department of Public Defense
- Private Defense Attorneys
- Seattle Municipal Court
- King County Superior Court

The policies for In-Car Video will follow those currently in place for existing forms of evidence including, but not limited to, 911 audio tapes, SPD dispatch tapes, BWV, photographic evidence, etc. Typically, this evidence is not disclosable to the public while it is part of an on-going investigation. Once it moves to the Court system, it becomes part of the public record.

As for the application itself: Coban does not share any information outside of the application. Users must have an account. In order to share information, data must be exported by a user. SPD's Records Management Team (PDR) is the team that provides data to other agencies or the public.

For the project: information is in secured locations and not shared nor accessible by anyone other than authorized individuals.

10. ***Does the project/program place limitations on data sharing?***
Describe any limitations that may be placed on external agencies further sharing the information provided by the City of Seattle. In some instances, the external agency may have a duty to share the information, for example through the information sharing environment.

For the program: As mentioned in #9 above, the external agencies that will be sharing the video are bound by the limitations on disclosure surrounding on-going criminal investigations. Once the video is referred to a prosecuting authority for a charging decision, the will be shared with the prosecuting authority, and, similar to SPD, that authority is subject to the disclosure requirements of the Washington Public Records Act. Once it becomes part of a case filed in court, the video becomes subject to Court Rules like all evidence. For the application: you must have a user account to access data.

For the project: the data is inaccessible from outside users.

11. ***What procedures are in place to determine which users may access the information and how does the project/program determine who has access?*** *Describe the process and authorization by which an individual receives access to the information held by the project/program, both electronic and paper based records. Identify users from other departments who may have access to the project/program information and under what roles these individuals have such access. Describe the different roles in general terms that have been created that permit access to such project/program information. Specifically, if remote access to the system is allowed or external storage or communication devices interact with the system, describe any measures in place to secure the transmission and storage of data (e.g., encryption and/or two-factor authentication).*

For the program: Only SPD employee's or other individuals (OPA, Seattle IT) that have been authorized by SPD to have access are given direct access. Their roles are for police operations or for IT based reasons (support of the application). Sharing video as part of the discovery process involves providing the videos electronically or the creation of DVDs that are physically passed to prosecutors, defense attorneys, and courts. Video disclosed in response to Public Records Act requests is either transmitted electronically through SPD's GovQA system or exported out of the Coban application and copied to DVD then provided to the requestor. Certain information in that shared data may be subject to redaction and the public is never given direct access. There is a vendor contract signed that gives Coban and Hitachi employees access to the information for a support of the technology role. Their access is only through a SPD or Seattle IT employee and they do not have access without the SPD/SIT employee. Remote access is only granted for the SPD/SIT employees using a secure VPN tunnel.

For this project: Only SPD and Seattle IT employees have direct access to the data.

12. ***How does the project/program review and approve information sharing agreements, MOUs, new uses of the information, new access to the system by organizations within City of Seattle and outside agencies?*** *Please describe the process for reviewing and updating data sharing agreements.*

For the program: Any requests would be routed to the In-Car Video Program Manager, who would work with the Public Disclosure Unit, Evidence Unit, City Attorney, and Seattle IT to assure that the requested sharing of data would fall within acceptable legal and City guidelines

For the project: N/A.

LEGAL OBLIGATIONS AND COMPLIANCE

13. ***Are there any specific legal authorities and/or agreements that permit and define the collection of information by the project/program in question?***
    - *List all statutory and regulatory authority that pertains to or governs the information collected by the project/program, including the authority to collect the information listed in question.*
    - *If you are relying on another department and/or agency to manage the legal or compliance authority of the information that is collected, please list those departments and authorities.*

    For the program: Washington's Privacy Act (Chapt. 9.73 RCW) governs the recording of in-car video and the Public Records Act (Chapt. 42.56 RCW) governs disclosure to the public. The Washington Court Rules govern disclosure in criminal and civil discovery. The Public Disclosure Unit in SPD, as well as the City Attorney's Office, act apply the legal requirements along with Seattle IT as compliance advisors on video information. Ultimate control for that function, however, rests with SPD.

    For the project: would be the same as the program.

14. ***How is data accuracy ensured?*** *Explain how the project/program checks the accuracy of the information. If a commercial data aggregator is involved describe the levels of accuracy required by the contract. If the project/program does not check for accuracy, please explain why. Describe any technical solutions, policies, or procedures focused on improving data accuracy and integrity of the project/program.*

    For the program: Data accuracy for video files is a difficult question to answer. Hash tags are incorporated within the video that ensures that the video has not been tampered with. There is an integrity check within Coban that verifies that hash tag. Coban keeps a chain of custody for the video that tracks all touches of the file (user, event, date, time, etc.). Coban runs daily services that monitor the video to ensure all video is still available and its location. Coban is currently building out better reporting in their logs that will report any potential lost video (issues with cutting or copying video). Dropped frames can be a problem with all video equipment. Currently, the Department monitors and publishes the numbers of videos that have dropped frames for the in-car video program.

    For the project: Coban logs track all videos moved. There is no automation or reports that view those logs currently, but we are hoping to put a monitor in place soon.

15. ***What are the procedures that allow individuals to access their information?***
    Describe any procedures or regulations the department has in place that allow access to information collected by the system or project/program and/or to an accounting of disclosures of that information.

    For the program: Individuals may access videos by making public records requests under the Public Records Act. The Department will follow the regulation outlined in the legislation. In-car video is integrated into the SPD's Public Disclosure Unit process for when information is requested from the

department. The Public Disclosure Unit GovQA system maintains a record of each request and the records disclosed in response to those requests.

For the project: N/A.

16. ***What procedures, if any, are in place to allow an individual to correct inaccurate or erroneous information?*** *Discuss the procedures for individuals to address possibly inaccurate or erroneous information. If none exist, please state why.*

    For the program: Currently, no process exists for an individual to correct inaccurate or erroneous information in video files chiefly due to the nature of the data being considered police evidence.

    For the project: N/A.

17. ***Is the system compliant with all appropriate City of Seattle and other appropriate regulations and requirements?*** *Please provide details about reviews and other means of ensuring systems and project/program compliance.*

    For the program: As far as SPD is aware, the system is compliant with all appropriate regulations and requirements. The project is also currently going through a security review by Seattle IT, namely around CJIS data that may be present in the video. Coban will also go through an onboarding process by the Seattle IT.

    For the project: This review is to help insure that we are.

18. ***Has a system security plan been completed for the information system(s) supporting the project/program?*** *Please provide details about how the information and system are secured against unauthorized access.*

    The program has not, but we did meet with Seattle IT's Security Team for an initial review.

    For the project: this is the security review.

19. ***How is the project/program mitigating privacy risk? G****iven the specific data elements collected, discuss the privacy risks identified and for each risk explain how it was mitigated. Specific risks may be inherent in the sources or methods of collection, or the quality or quantity of information included.*

    For the program: Through all the previously mentioned security put in place. The largest privacy risk for the program is the un-authorized release of a video that contains information deemed private pursuant to the RCW. To mitigate this risk, the program will fall under the current SPD policies around dissemination of Department data and information. These policies reflect the statutory provisions controlling disclosure of the data and information.

    For the project: N/A

MONITORING AND ENFORCEMENT

20. ***Describe how the project/program maintains a record of any disclosures outside of the department.*** *A project/program may keep a paper or electronic record of the date, nature, and purpose of each disclosure, and name and address of the individual or agency to whom the disclosure is made. If the project/program keeps a record, list what information is retained as part of the accounting requirement. A separate system does not need to be created to meet the accounting requirement, but the project/program must be able to recreate the information noted above to demonstrate compliance. If the project/program does not, explain why not.*

    For the program: The Public Disclosure Unit maintains records of all information disclosed publicly as a routine part of their processes. Regarding the transfer of information to outside public agencies, the system maintains chain of custody logs for each file, which records when the information was exported.

    For the project: Coban logs track all video that is moved via its chain of custody.

21. ***Have access controls been implemented and are audit logs are regularly reviewed to ensure appropriate sharing outside of the department?*** *Is there a Memorandum of Understanding (MOU), contract, or agreement in place with outside agencies? Discuss how the sharing of information outside of the Department is compatible with the stated purpose and use of the original collection.*

    For both the program and project: There are no current plans to review audit logs. Through the previously discussed mechanisms built into the application, contracts with outside agencies, and the network security protocols are the parameters to ensure there is no outside access.

22. ***How does the project/program ensure that the information is used in accordance with stated practices of the project/program?*** *What auditing measures are in place to safeguard the information and policies that pertain to them? Explain whether the project/program conducts self-audits, third party audits or reviews.?*

    For both the program and project: There are no current plans to review audit logs. Through the previously discussed mechanisms built into the application, contracts with outside agencies, and the network security protocols are the parameters to ensure the information is used in accordance with agency policy and state law.

23. ***Describe what privacy training is provided to users either generally or specifically relevant to the project/program.*** *City of Seattle offers privacy and security training. Each project/program may offer training specific to the project/program, which touches on information handling procedures and sensitivity of information. Discuss how individuals who have access to personal information are trained to handle it appropriately. Explain what controls are in place to ensure that users of the system have completed training relevant to the project/program.*

    For the program: All SPD employees are required to participate in electronic trainings called edirectives (or eLearning). Specific edirectives were assigned: Manual Section 16.090 - In-Car Video Revised, Manual Section 12.111 - Use of Cloud Storage Revised. SPD employees are also required to comply with policies reflected in the SPD Manual that cover information handling procedures and

sensitivity of information including Manual Sections 12.030 - Computer Hardware & Devices 12.080 - Department Records Access, and12.050 - Criminal Justice Information Systems Inspection & Dissemination. The city has also implemented a training on privacy and security titled “2016 Privacy and Information Security Awareness”.

For the project: No.

24. ***Is there any aspect of the project/program that might cause concern by giving the appearance to the public of privacy intrusion or misuse of personal information?*** *Examples might include a push of information out to individuals that is unexpected and appears to be intrusive, or an engagement with a third party to use information derived from the data collected that is not explained in the initial notification.*

    For the program: It is possible that the public may be concerned if video containing images of them are part of a prosecution or released to the public thorough media or the internet. Those areas cannot be specifically addressed by the City or SPD without significant changes to state criminal and/or public disclosure laws.

    For the project: No