# Surveillance Advisory Working Group Meeting Minutes

February 14, 2019

Attendance

Members: Shankar Narayan, Masih Fouladi; via phone: Negin Dahya, Michelle Merriweather, Joe Woolley

Public: Matt Miller, Mary Dory, Pete Krafft

Staff: Jim Loter, Kate Garman, Seferiana Day, Sarah Carrier, Ginger Armbruster, Greg Doss, Gary Smith

**Open Public Meetings Act (OPMA)**

A quorum - a majority of the governing body

What is a meeting?

* Includes email – does not have to be in-person. A collective discussion amongst a majority of members
* Practice tip: There will be a significant amount of work to review. It may be best to set up subcommittees that do not make up a majority. Facilitate work and still comply with OPMA
* Passive receipt of an email is OK, even if sent to majority of the board
* OPMA does not apply if a majority of members meet but do not discuss city business.

Notice

* Agenda of a meeting is required to be posted prior to the meeting, at least 24 hours in advance
* Special meetings: these must be noticed – by posting on applicable website 24-hours in advance, with agenda. Once an agenda is posted on a special meeting, limited to taking action on these agenda items

Public Attendance

* No conditions placed on public – public does not need to sign in if they don’t want to
* Cameras and tape recorders are OK unless disruptive
* Reasonable rules of conduct

Public Comment

* No public comment period is required
* If required, first amendment comes into play
* Time limits can be imposed – on total period and for each person – but

Executive Session

* Limited to specific purposes: not likely that these will apply to this commission – listed in OPMA

Penalties

* Monetary civil penalties for commissioners who violate OPMA
* Actions taken at a non-OPMA meeting can be determined null and void

Staffing

* Ordinance requires staff to support this
* Minutes are required

Training

* OPMA requires training
* See handouts for summary

Questions/Comments?

Shankar: Given underlying purpose of the ordinance, this group should act as transparently and openly as possible. The City should support our efforts to be open to the public.

**Public Records Act (PRA)**

* Since 1972
* All public records are presumed open and subject to disclosure or inspection

What is a public record?

* Any writing, recording, document that is created by the City or Commission
* Must be related to city business

What is a request?

* Identifiable public records
* City must respond within 5 days to the request – with an estimate of time for a response
* City can request clarification from requestor, but we do have to provide an estimate of time for a response
* If using a personal account, keep records separate – folder or specific email just for City business
* Tip: Always cc board liaison on emails to ensure public record keeping

Exemptions

* Attorney-client privilege is most common – full list is available in PRA

Enforcement or Penalties

* Range from $0-100 per day, plus attorney fees

Training Resources

* This will be distributed to members after the meeting

**Working Group’s Role and Responsibilities**

* Working Group will receive Surveillance Impact Reports (SIRs)
* Working Group will be tasked with providing a privacy and civil liberties assessment for each technology.
* Description of potential impact of technology, potential disparate impacts on marginalized communities.
* CTO is tasked with providing an annual equity impact assessment of ordinance – Working Group is required to provide recommendations to be included in this assessment

Questions/Comments:

Greg Doss:

* As a group you represent a variety of organizations concerned with civil liberties
* Original Surveillance Ordinance put into place methods for the public to weigh in on surveillance technologies
* Ordinance was amended to ensure that outreach and analysis of technologies is inclusive of communities of color, underrepresented communities.
* Analysis of disparate impacts

Shankar:

* Ordinance missing piece – communities historically affected by surveillance were left out of the process – this should be a real opportunity to do surveillance technology in a different way, with more transparency.
* Ordinance says this group should be re-evaluated 18 months after first meeting – August 14, 2020
* We should adopt rules for our own governance – I was co-chair of
* We had a set of default rules – can we see examples of these?
* Equity Impact Assessment – we should have timely notification
* Public Outreach – we should have knowledge of timeline

Gary: Bylaws – board or commission adopts by-laws

* Elections of chairs
* How an SIR may be delegated to subcommittees with less than a quorum
* CTAB has a good set of bylaws to reference

**Overview of SIR Template and Process** (Ginger Armbruster)

* Our role is to ensure that departments did this completely
* We want all documentation to look the same
* 6-8 month process to get each SIR completed
* We are the compliance arm
* Website has all details and documents
* Send all questions, comments to Seferiana, staff liaison
* See attached

Shankar:

* Things get sporadically posted – it would be nice for us to get emails and announcements for events, meetings, etc. Send announcements via email.
* Public comments – where do we get them? – They are all in the SIR documents, collected at the end of each public comment period
* Hazmat SIR – may be best one to start with – official transmittal should happen at next meeting

Ginger:

* 29 in 13 months

Officer Elections

* Shankar and Asha have expressed interest in co-chairing the group

Next meetings: SMT 2750

Vote on chairs at next meeting

* Transmittal of first SIR at next meeting

How often to meet: Monthly meetings

Meeting adjourned at 11:30am