# Surveillance Advisory Working Group – Meeting Minutes: 5/28/2019

Attendance

Members: Shankar Narayan, Michelle Merriweather, Via Phone: Masih Fouladi, Joe Woolley, Rich Stolz

Staff: Seferiana Day, Ginger Armbruster, Omari Stringer, Sarah Carrier, Kate Garman, Greg Doss, Gary Smith, Megumi Sumitani, Mary Dory

Public: Cynthia Spiess, Jennifer Lee (ACLU)

**Meeting called to Order at 12:08 PM**

Shankar Narayan (SN): One additional thing to add to the agenda: a short flag on the CTO’s quarterly technology determinations (memos the CTO puts together re: reasoning around technologies determined non-surveillance technologies)

**Report back from Tuesday GET Committee hearing/work session**

SN: First up, the GET committee last week – SDOT technologies (CCTV and LPR’s) – what should the process be – should Council approve the SIR completely or partially? We had an emergency meeting at which we did not have quorum – the Friday before last.

Two main concerns came up:

1 – process of approving the SIR – we felt it was not the right process given how much stuff is in the SIR and how much work needs to go into the SIR to reflect current practice, policies, and goals

2 – Timeline

We decided to bring these issues up to the GET committee. We also wanted to present to the committee to talk about the work we have been doing, the process we used for the first 14 technologies.

Joe Woolley (JW): I think that sums it up. I’m curious to hear what the outcome was at the hearing itself

Ginger Armbruster (GA): We didn’t spring this on you. Please don’t characterize this as us springing this on you. We talked about it in this meeting.

SN: I was referring to the ordinance from Vinh – It would’ve been helpful to see. Be that as it may, I think the outcome of the hearing was good. Others who were there can chime in as well.

I sent an email update to this group. I conveyed basically the gist of that earlier discussion, which was – here is the work we have been doing. Surveillance Ordinance process as a leadership opportunity for the City. We have the opportunity to show ourselves as a leader in protecting civil liberties and utilizing benefits of technology.

President Harrell and CM Mosqueda were present at the meeting.

Council should not blanket approve the SIR – for various reasons, making sure the SIR’s are complete and up to date. Even CP Harrell said he thinks it’s a bad idea to put the entire SIR into law. We moved in the direction of having some designated part of the SIR to have all the enforceable guidelines in one place. This seems like a reasonable way to move forward. It would make it clear to agencies what laws they need to comply with.

Timeline: We talked about all of the stuff we had already talked about – challenging timeline. Public outreach challenges. There was an updated timeline presented by the city, but I’m not sure it has been shared with us yet. 12 items put to this group February 28th. It’d be great to receive that timeline from the City. We are on track to be done with the 14 by next month. One thing I did say is that it would be helpful to see which step in the process is causing the delay so we can

**Discussion: Possible position/actions on process, timeline, proposed ordinance**

Gary Smith (GS): Executive, Council, WG had a discussion – the challenge of having a summary document. The Council thinks it’s going to be short. I think this might conflict with the goal of having it be thorough. How to put together something that answers al questions in the ordinance, but high enough level of detail that it isn’t 20 pages on its own. Maybe we have an addendum, we’d be interested in discussing further.

GA: For timeline, we have been posting these for a long time. Online, they shift as we have done other amendments. We set the Feb 28 date as the date to deliver to Council, not when we send technologies to the WG. We’ve worked in to the review timeline, two months for your review, one month for public engagement. We aren’t trying to surprise you with timeline. We will always work in 8 weeks of review for this group.

SN: Is the last timeline that you all submitted to us still valid or not?

GA: It is – it’s the last one we submitted to the clerk. This one is a working document.

SN: Are we still planning for August 5 Group 3 transmittal?

GA: That’s what it looks like, but this is a working doc. It takes 3-4 months to get it into a format, plus public engagement. That’s the timeline we have to work with.

SN: Even apart from the public engagement, just the SIR’s take as long as…

GA: By ordinance we have to wait to do public engagement before we can transmit to you. You can read in advance, attend public engagement, formulate your thoughts…

I worked on a template – high level categories of information

* Brief overview, purpose of technologies
* Data collection and use
* Limitations to use
* Access and security
* Data sharing and accuracy
* Data retention
* Concerns about equity

These were the broad categories we thought made sense. We ran through this with ALPR, and it was about 6 pages.

SN: This makes sense to me. Fantastic.

Kate Garman (KG): Is there a template that you’re referring to? I haven’t seen this. How we are going to go about reviewing the technologies.

SN: I don’t know that we wrote them down formally, but we have been consistent with asking the same questions. I’m hoping we can circulate this document after the meeting. I hope these reflect enforceable policy and not just current practice.

**CTO Quarterly Technology Determination**

SN: I’ll flag that the WG doesn’t have a designated role in this process, but with my ACLU hat on, we do review these. We looked at the last one and had some questions about some of the technologies that were found not to be surveillance technologies.

GA: F Response Forensics Lab: It’s already on the list to be reviewed, that’s why. It will be part of Group 4.

Axxon Citizen App:

GA: It’s an existing technology, it’s not a surveillance technology that is thinking on its own. It’s a utility for uploading evidence.

SN: We were trying to figure out why CopLogic was in, but this was not.

GA: It’s data management, not a technology that is doing its own thinking.

SN: We will circle back with our ACLU hats on, and if there’s something for the group to consider then we will. Thank you for the clarification.

**Review Acyclica PCLIA**

SN: I’ll ask Jenn to describe the technology and what it does. At the 10,000 foot level, the concerns are around tracking individuals. Can we create enforceable polices that limit the data collected. There are a ton of unanswered questions re: contract between Acyclica and the City.

Jennifer Lee (JL): A tool used by SDOT to track the location of individuals in Seattle, by using intelligence sensors – Road Trend. 301 intersections in Seattle that collect the MAC addresses – unique identifiers. Drivers / riders / pedestrians on the road. There are a lot of civil liberties concerns because these MAC addresses are collected 24/7. The privacy and civil liberties concerns have to do with the lack of policies governing SDOT’s use of Acyclica technologies, lack of a contract with City – concerns around data security, third-party sharing – there is a concern about a new sensor that is not included in the SIR. We found that Acyclica had been acquired by another company, and that the sensors that were used have been discontinued.

SN: We have been trying to figure out exactly the contractual status. Vendor – Western Systems – we got some contradictory answers from Acyclica and SDOT. We are satisfied now that it doesn’t look like there is a contract, which raises concerns for us. The purpose of Acyclica is traffic management. Really the purpose of it is to figure out how entities re moving around, and use that to manage traffic. The challenge is that there aren’t policies that restrict Acyclica to that purpose. That technology and the data around it are only for that purpose – but because there is no contract, it’s impossible to know how that would ever be enforced.

Page 3 of draft recommendations: Have specific policies about why it’s in use and restrict use to this practice. Have a contract – this is just good practice. Lack of clarity around data ownership and retention. Make clear who owns it, what form it is in. Unclear how acquisition of Acyclica and new road trend sensors change the equation, because the new sensors are not described in the SIR. Finally, who else accesses the data – there are a bunch of outstanding questions. We suggested recommendations on page 1. – define purpose, ensure SDOT owns data, ensure SDOT gets aggregated data, ensure SDOT deletes data quickly.

That’s the PCLIA, I’ll open it up for questions

JW: Torgie raised the concern at the CTAB meeting.

JL: I think the issue is that there are some misleading descriptions of Acyclica’s data security practices. One of those things has to do with where the data is encrypted and hashed. On the sensor itself or after transmitted to the Cloud. Western Systems term sheets – encryption is described as practice that limits re-identification.

SN: There is a terms sheet with a 3rd party vendor, but not with Acyclica.

JL: New sensor for consideration, I don’t believe has infrared.

GA: Existing sensor is what is in the SIR.

SN: We would love confirmation of that.

JW: The part I had most concerns with is the macro level – lack of contract. I hadn’t been privy to conversations as to the backstory. I’d be curious to hear that.

GA: I don’t have anything new for you, but I am in contact with our internal lawyer, and I can find out. There may be history of SDOT doing their own work before IT consolidation, as this technology has been in place for a long time.

JL: In the updated SIR, SDOT attached a study analyzing the accuracy – the study wasn’t convincing in showing effectiveness. What other studies were done when deciding?

KG: It’s dropped the wait time 17 minuets on the Mercer corridor. It’s not a study, but it’s something we have tracked. With Acyclica, they can change signals in real time.

JW: There is public news, case studies, municipalities that have deployed it.

Cynthia Spiess (CS): I found other cities’ contracts – it’s not clear to me that any other cities have done

SN: A contract is not sufficient but doesn’t substitute for policy that holds the agency as well as the third party vendor accountable to a certain set of standards.

Michelle Merriweather (MM): Do we have evidence of this being misused?

JL: No, but we do have remaining questions.

SN: If you don’t know you’re being surveilled.

GA: One thing, Michelle. We never have the raw data. This is all internal to SDOT. The technology was made for traffic management.

MM: The 12 hour recommendation for retaining the information – where does that come from? It is long enough, too long?

SN: The value of the data goes away after 12 hours.

MM: It’s shorter than that, it’s real time.

GA: They may need it to determine patterns.

JL: It’s an improvement over the current policy, which says that Acyclica owns the data indefinitely.

SN: It did seem that Acyclica was determining data retention, hence this recommendation.

I think we should take a vote. Joe wants to send this to Council and begin the discussion. My suggestions is the same, to keep it moving. Anything to modify, or does this reflect where we are?

JW: I’m fine with it in current form.

SN: Is there a motion to send this PCLIA to the CTO and to the Council?

RS: So moved.

MM: Second.

SN: All in favor? Motion Passes and this will be transmitted.

**Review CAD PCLIAs (SPD, SFD)**

SN: 10,000 foot view: these are medium concern. Purpose of use, data retention, third party.

JL:

SPD Computer-Aided Dispatch System:

* Both provided by different vendors. For SPD – a software package utilized by 911 center to assist call takers and dispatchers who are collecting information and dispatching patrols.
* CAD system automatically sends information to SPD’s records system. There are three key concerns: lack of policy defining purpose of technology and restricting use to that purpose, lack of clarity on data retention and SPD record management system, unclear which internal and 3rd parties have access to the data. All sworn personnel, “other civilian staff with business needs” 0 clarify who these are

SFD CAD:

* Unit recommendations for calls based on reported problem
* Emergency and non-emergency call taking, rapid aid deployment
* We found that in late 2018, TriTech joined merger with three other companies – new entity Central Square – this is now the dispatch service provider. While SFD defines service/use, we have similar concerns to SPD:
  + No limits on data retention
  + Unclear limits on 3rd party data sharing
  + Lack of clarity on privacy policies as a result to merger
* In SFD’s SIR: diagram with servers – SFD indicates that SPD’s access to SFD’s CAD – provided on an as needed basis. This diagram indicates that this access is continuous. It’s unclear what the middle server actually does. This information needs to be explained by SFD so we have a better understanding of who has access to this data.

SN: Does the CAD collect / store data? We’d love to get clarity on that.

JW: Overall my concerns are less acute than for Acyclica.

MM: Same for me.

MF: Nothing to add on my end.

SN: City folks, do you have any clarity?

KG: I don’t want to invite department people to influence your conversation. These are great questions you are asking. Would it be helpful to have these questions in advance?

GA: This should be a dialogue.

SN: Let’s come back to the process discussion in a few minutes, after we discuss the PCLIA’s.

Is there a motion to transmit the SFD CAD PCLIA to CTO’s office?

MM: So moved.

JW: Second.

SN: All in favor? Motion is adopted unanimously.

I’d like a motion for SPD CAD to be transmitted to CTO’s office.

MM: So moved.

JW: Second.

SN: All in favor? Motion is unanimously adopted.

Both CAD PCLIA’s will be sent to the CTO’s office.

GD: I’m going to follow up on Kate’s comments. In your last vote you said transmit to CTO’s Office. I just want to clarify that Council won’t receive the WG’s document until the CTO/Dept transmits SIR. There will be an opportunity for the department to respond to the questions before it even goes to Council.

SN: I’d like for Council to see it in real time. I think it’s good for Council to hear what we are up to.

KG: It may be best if it all goes together, so that Council has context for what the technology is/how it works.

SN: How is the group keeping Council up to date, and how does the feedback loop work in terms of answering outstanding questions that we have here.

Gary Smith (GS): This approach doesn’t help with efficiency.

SN: I just want to say, we have asked these questions even in this meeting and we haven’t gotten answers.

JW: It seems like we are at an impasse here. What are our options here definitively?

SN: I have been transmitting our PCLIA’s to Council and Mayor. We will continue to do that.

GA: You first send the ACLU’s comments, then the WG’s, which are basically the same content.

SN: That’s your opinion.

MM: Has there been any challenges or confusion from Council the way it’s currently been done?

GD: There could be confusion. I’d recommend we follow the ordinance procedure, and that Council receives the final package.

SN: I just want to be clear that we are CC’ing a ton of people on these documents. In the absence of being able to have a full discussion on this, I suggest we continue to copy those folks, CM’s included, and that we include a line that says that this is not final and does not require council action.

JW: Does this violate any compliance issues, Ginger?

GA: No, we will just move toward clarity.

**Approve transmission of City Light PCLIAs (Binoculars, AmpFork, Check Meter Device)**

SN: These are relatively innocuous technologies that are intended to help Seattle City Light determine if someone is stealing power – define purpose, data retention, restrict to purpose of technology. Concerns are relatively minimal.

JW: I agree. No objections from my end for proceeding.

SN: I’d like a motion to transmit these diversion technologies to the CTO, copying the Council.

MM: So moved.

MF: Second.

SN: All in favor? Motion unanimously adopted.

Kate, can you tell us the status of our missing member? Is there any way the group can be engaged?

KG: We are currently trying to get a list of people to consider. We will update as soon as we have it.

**Meeting adjourned at 1:31 PM**