

From: Seattle Community Surveillance Working Group (CSWG)
To: Seattle Chief Technology Officer
Date: July 10, 2019
Re: Privacy and Civil Liberties Impact Assessment for NICE 9-1-1 Logging Recorder

Executive Summary

On June 4, 2019, the CSWG received the Surveillance Impact Report (SIR) on the NICE 9-1-1 Logging Recorder, a surveillance technology included in Group 2 of the Seattle Surveillance Ordinance technology review process. This document is CSWG's Privacy and Civil Liberties Impact Assessment for this technology as set forth in SMC 14.18.080(B)(1), which we provide for inclusion in the final SIR submitted to the City Council.

This document first provides our recommendations to the Council, then provides background information, key concerns, and outstanding questions on the Logging Recorder technology.

Our assessment of the Logging Recorder focuses on three major issues rendering protections around this technology inadequate:

1. There is no clear policy defining the purpose and allowable uses of the Logging Recorder data.
2. The 90-day data retention period for Logging Recorder data is lengthy and is not clearly justified in the SIR.
3. There is no clear designation of what data collected by the Logging Recorder is shared with third parties and for what purposes.

Recommendations

The Council should adopt clear and enforceable rules that ensure, at the minimum, the following:

1. The purpose and allowable uses of the Logging Recorder data must be clearly defined, and both SPD and NICE (the vendor of the technology) must be restricted to those uses.
2. NICE must delete all Logging Recorder data after 7 days.
3. There must be a clear designation of what data collected by the Logging Recorder is shared with third parties and for what purposes.
4. NICE or any other third party that has access to Logging Recorder data must be held to the same restrictions as SPD, including industry best practice security standards.

Background

The 9-1-1 Logging Recorder is a technology provided by the company NICE Ltd. and used by the Seattle Police Department (SPD) to automatically audio-record all telephone calls received by SPD's 9-1-1 Center as well as all radio traffic between dispatchers and SPD patrol officers. These

recordings are then used for evidentiary purposes by officers, detectives, and prosecutors, and within the 9-1-1 Center for training and quality control purposes.¹

Data storage is described in the SIR as follows:

“The data is stored in the NICE system, with much of the NICE system physically housed at SPD’s 9-1-1 Center. Some servers are hosted virtually on SPD’s network in SPD’s section of the city data center. Data collected are located in server storage, and extracted data are stored on file shares for SPD and City Law—these reside in SPD Network Storage or Law storage system managed by Seattle IT. Extracted data is electronically sent to Law, Discovery, or as redacted material in response to Public Disclosure Requests.”²

Key privacy and civil liberties concerns relate to purpose of use, data retention, and data shared with third parties. Because the content and nature of phone calls to the 9-1-1 Center may include highly sensitive and/or personally-identifying information, it is important that such information is used only for a specifically defined purpose, retained only for the length of time necessary to fulfill that purpose, and data shared with third parties is limited to fulfilling the defined purpose.

Key Concerns

1. **There is no clear policy defining the purpose and allowable uses of the Logging Recorder data.** With a 90-day retention policy³ and with SPD receiving 900,000 calls per year,⁴ there are about 220,000 audio recordings existing at any given time. This volume of data is large enough to be repurposed for data mining or other unauthorized uses.⁵ SPD, NICE, and third parties must be prohibited from using Logging Recorder data for any purpose beyond evidentiary, SPD officer training, quality control for the 9-1-1 calls system, and public disclosure purposes.⁶
2. **The 90-day data retention period for Logging Recorder data is lengthy and is not clearly justified in the SIR.** A memo in the SIR from SPD Deputy Chief Garth Green (dated April 29, 2019)⁷ states: “Recordings in the NICE system are retained for 90 days. Recordings requested for law enforcement and public disclosure are downloaded and saved within other SPD systems for the retention period related to the incident type to which the recording is related.” But as stated above, this massive volume of data could be repurposed, and a shorter retention period would help alleviate this concern.
3. **There must be a clear designation of what data collected by the Logging Recorder is shared with third parties and for what purposes.** Section 6.0 of the SIR states that “discrete pieces of data” are shared with outside entities and individuals, but does not elaborate further. The April 29 memo from Deputy Chief Garth Green provides examples of specific

¹ Privacy Impact Assessment, Surveillance Impact Report, 911 Logging Recorder, SPD, page 8.

² Privacy Impact Assessment, Surveillance Impact Report, 911 Logging Recorder, SPD, page 16.

³ Submitting Department Memo, Surveillance Impact Report, 911 Logging Recorder, SPD, page 3-4.

⁴ <https://www.seattle.gov/police/about-us/about-policing/9-1-1-center>

⁵ Appendix G: Letters from Organizations or Commissions, Surveillance Impact Report, 911 Logging Recorder, page 114.

⁶ Privacy Impact Assessment, Surveillance Impact Report, 911 Logging Recorder, SPD, page 7.

⁷ Submitting Department Memo, Surveillance Impact Report, 911 Logging Recorder, SPD, page 3-4.

data shared with outside entities (e.g., call audio, time stamps for start and end of calls, staff position of the individual answering the call, duration of the call, and the phone number and/or radio channels used to contact 9-1-1), but it is not clear that these examples constitute an exhaustive list. A more systematic and comprehensive catalogue of what third parties may receive data from the system, and for what purpose, should be created to ensure consistency and guard against mission creep.

4. **NICE has a concerning history of data breaches.**⁸ A severe vulnerability discovered in 2014 allowed unauthorized users full access to a NICE customer's databases and audio recordings.⁹ Again, in 2017, a NICE-owned server was set up with public permissions, exposing phone numbers, names, and PINs of 6 million Verizon customers.¹⁰ Given this history, it is even more important to ensure that best practice data security is implemented on this sensitive data.

Outstanding Questions

The following information should be included in an update to the 9-1-1 Logging Recorder SIR:

1. Is there a policy defining the allowed uses of 9-1-1 Logging Recorder data by NICE?
2. What justifies NICE's lengthy 90-day data retention period?
3. What are types of data may be shared with third parties and under what circumstances?

The answers to these questions can further inform the content of any binding policy the Council chooses to include in an ordinance on this technology, as recommended above.

⁸ Appendix G: Letters from Organizations or Commissions, Surveillance Impact Report, 911 Logging Recorder, page 114.

⁹ <https://krebsonsecurity.com/2014/05/backdoor-in-call-monitoring-surveillance-gear/>

¹⁰ <https://www.techspot.com/news/70106-nice-systems-exposes-14-million-verizon-customers-open.html>