

From: Seattle Community Surveillance Working Group (CSWG)

To: Seattle City Council

Date: June 4, 2019

Re: Privacy and Civil Liberties Impact Assessment for Check Meter Device, SensorLink Amp Fork, and Binoculars/Spotting Scope (Current Diversion Technologies, SDOT)

## **Executive Summary**

On April 25, 2019, the CSWG received the Surveillance Impact Reports (SIRs) on three Current Diversion Technologies (Check Meter Device, SensorLink Amp Fork, and Binoculars/Spotting Scope) used by Seattle City Light (SCL) included in Group 2 of the Seattle Surveillance Ordinance technology review process. This document is CSWG's Privacy and Civil Liberties Impact Assessment for these technologies as set forth in SMC 14.18.080(B)(1), which we provide for inclusion in the final SIRs submitted to the City Council.

This document first provides recommendations in this executive summary, then provides background information, key concerns, and outstanding questions on the current diversion technologies.

Our assessment of the three current diversion technologies (Check Meter Device, SensorLink Amp Fork, and Binoculars/Spotting Scope) focuses on two key issues:

- (1) The use of these systems and the data collected by them for purposes other than those intended;
- (2) Over-collection and over-retention of data.

While the stated purposes of the three current diversion technologies may be relatively innocuous, it is important to note that these technologies may be used to gather identifying information about individuals. Particularly in the absence of written, explicit policies governing what these technologies can and cannot be used for, the data collected by these technologies may compromise the privacy of individuals and may be misused to target individuals and communities. It is important that these technologies have explicit protections limiting the use of these tools to their intended purpose.

## **Recommendations**

We recommend that the Council and SCL adopt clear and enforceable rules that ensure, at a minimum, the following:

- (1) Define purpose of use for each technology and restrict its use to that purpose.
- (2) Ensure there are clear data protection policies to safeguard stored data.
- (3) Ensure the deletion of data collected by the technology immediately after the relevant current diversion investigation has closed.

## **Background on the Three Current Diversion Technologies**

The Check Meter Device, the SensorLink Amp Fork, and the Binoculars/Spotting Scope are technologies used by SCL's Current Diversion Team to investigate when electricity is being used without being paid for.

The Check Meter Device is a device that measures the amount of electrical energy flowing through a service-drop wire over time. It digitally captures the information for later retrieval by the Current Diversion Team member(s) via a wireless protocol. These devices are typically installed on an electric pole adjacent to a transformer for a period of one week to one month. The stated purpose of this

technology is to determine the valuation of the energy illegally diverted.

The SensorLink Amp Fork is a hand-held electrical device used to detect current flow. It is mounted on an extensible pole (up to 40' to 50') that allows a circular clamp to be placed around a wire. The device then displays instantaneous readings of the amount of electrical energy flow. The Current Diversion Team member may then compare those reads against the readings displayed on the electric meter, allowing staff to determine if current is being diverted.

The Binoculars/Spotting Scope is a device used to determine if current diversion is taking place when distance is a barrier to physical inspection. Binoculars may also be used to determine if potentially dangerous alterations to City Light's electrical infrastructure exist. The relevant SIR states that the binoculars do not collect data, and do not contain any special enhancements requiring power (e.g., night vision or video-recording capabilities).<sup>1</sup>

### **Key Concerns Regarding all Three Current Diversion Technologies**

Seattle City Light's policy:

- (1) **Does not include explicit, written restrictions on use.** An April 3, 2019 email from Seattle City Light to the ACLU stated that "Seattle City Light does not have any formal, explicit, written policies on what the technologies can be used for."<sup>2</sup> The email states that Section 3.0 (Use Governance) of the SIRs describes SCL's standards, but this section does not contain meaningful restrictions on use. The absence of written, specific policies increases the risk of misuse.
- (2) **Does not include specific data protection provisions.** For example, the draft SIR for the Check Meter Device (SensorLink Transformer Meter System) says that the data is retrieved from the device "via secure radio protocol," but the SIR does not explain further. Radio frequencies are not inherently secure, so the policy should define how this data is secured, including when it is on the Check Meter Device and once it is stored off the device.
- (3) **Includes an unjustifiably long data retention period.** According to Seattle City Light, the retention period for current diversion data collected is at least 6 years.<sup>3</sup> Such a lengthy retention period for electricity diversion investigation records is unnecessary. Data should be deleted as soon as an investigation is closed.

In addition, all three SIRs state: "City Light is undertaking an equity analysis of past enforcement locations and will be reviewing these to ensure that our existing policies and procedures are as equitable as possible." This equity analysis should be provided for public review.

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<sup>1</sup> 2019 Surveillance Impact Report SCL Check Meter Device, pages 3-6.

<sup>2</sup> See pages 3-4 for Seattle City Light Response to ACLU-WA on April 3, 2019.

<sup>3</sup> Ibid.



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April 3, 2019

Shankar Narayan, Technology and Liberty Project Director  
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Dear Shankar and Jennifer,

We have received your letter dated March 20, 2019 with comments on the three Seattle City Light technologies included in Group 2 of the Seattle Surveillance Ordinance process. We appreciate your feedback, which will be considered as the Surveillance Impact Reports (SIRs) are finalized.

In the meantime, I can offer the below information related to your two questions:

**What enforceable policies, if any, apply to use of these three technologies?**

Current Diversion Detection Technology Policies: Seattle City Light does not have any formal, explicit, written policies on what the technologies can be used for. However, City Light's draft 2019 Surveillance Impact Reports (SIRs) outline the non-written standards for use of the technologies. Please refer to Section 3.0, "Use Governance," of the attached SIRs for the three current diversion technologies, as they describe City Light's standards.

Also, please know that City Light has formally adopted a Department Policy & Procedure (DPP P III-416, "Current Diversion") governing the prevention, detection, reporting, investigation, and correction of illegal, unauthorized, or inadvertent diversions of electric current, and the recovery of associated lost revenues and costs. Please see the attached DPP.

**What is Seattle City Light's data retention schedule?**

City Light follows the record retention period presented in the following chart.

Retention Schedule	Series Title and Description	DAN #	Retention and Disposition Action (Primary Record Copy)	Designation
Utility Services Power Distribution	ELECTRICITY DIVERSION INVESTIGATION RECORDS  Inquiry regarding problems or discrepancies with meters, either from meter reader or other parties. Investigation records may include: site visit dates, notes regarding location, pictures of meter or surrounding area, consumption history, special meter read, and service order for technical support.	UT55-05G-07 Rev. 0	Investigation closed plus 6 years	Non-Archival Non-Essential OPR

Please let me know if you have additional questions.

Sincerely,

Julie Moore  
Public Information Officer  
Seattle City Light