[Administrative Code - Acquisition of Surveillance Technology]

Ordinance amending the Administrative Code to require that City departments acquiring Surveillance Technology, or entering into agreements to receive information from non-City owned Surveillance Technology, submit a Board of Supervisors approved Surveillance Technology Policy Ordinance, based on a policy or policies developed by the Committee on Information Technology (COIT), and a Surveillance Impact Report to the Board in connection with any request to appropriate funds for the purchase of such technology or to accept and expend grant funds for such purpose, or otherwise to procure Surveillance Technology equipment or services; require each City department that owns and operates existing surveillance technology equipment or services to submit to the Board a proposed Surveillance Technology Policy Ordinance governing the use of the surveillance technology; and requiring the Controller, as City Services Auditor, to audit annually the use of surveillance technology equipment or services and the conformity of such use with an approved Surveillance Technology Policy Ordinance and provide an audit report to the Board of Supervisors.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. General Findings.

(a) It is essential to have an informed public debate as early as possible about decisions related to surveillance technology.

(b) Whenever possible, decisions relating to surveillance technology should occur with strong consideration given to the impact such technologies may have on civil rights and civil liberties, including those rights guaranteed by the First, Fourth, and Fourteenth Amendments to the United States Constitution as well as Sections 1, 2, and 13 of Article I of the California Constitution.

(c) While surveillance technology may threaten the privacy of all of us, surveillance efforts have historically been used to intimidate and oppress certain communities and groups more than others, including those that are defined by a common race, ethnicity, religion, national origin, income level, sexual orientation, or political perspective.

(d) The propensity for facial recognition technology to endanger civil rights and civil liberties substantially outweighs its purported benefits, and the technology will exacerbate racial injustice and threaten our ability to live free of continuous government monitoring.

(e) Whenever possible, decisions regarding if and how surveillance technologies should be funded, acquired, or used, and whether data from such technologies should be shared, should be made only after meaningful public input has been solicited and given significant weight.

(f) Legally enforceable safeguards, including robust transparency, oversight, and accountability measures, must be in place to protect civil rights and civil liberties before any surveillance technology is deployed; and

(g) If a surveillance technology is approved, data reporting measures must be adopted that empower the Board of Supervisors and the public to verify that mandated civil rights and civil liberties safeguards have been strictly adhered to.

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Section 2. The Administrative Code is amended by adding Chapter 19B, consisting of Sections 19B.1-19B.8, to read as follows:

CHAPTER 19B: ACQUISITION OF SURVEILLANCE TECHNOLOGY

SEC. 19B.1. DEFINITIONS.

"Annual Surveillance Report" means a written report that includes all of the following:

(1) A general description of how the Surveillance Technology was used;

(2) A general description of whether and how often data acquired through the use of the Surveillance Technology item was shared with outside entities, the name of any recipient outside entity, the type(s) of data disclosed, under what legal standard(s) the data was disclosed, and the justification for the disclosure(s);

(3) A summary of complaints or concerns from the public about the Surveillance Technology item;

(4) The aggregate results of any internal audits required by the Surveillance Technology Policy, any general, aggregate information about violations of the Surveillance Technology Policy, and a general description of any actions taken in response;

(5) Information, including crime statistics, which help the Board of Supervisors assess whether the Surveillance Technology has been effective at achieving its identified purposes;

(6) Aggregate statistics and information about any Surveillance Technology related to Public Records Act requests;

(7) Total annual costs for the Surveillance Technology, including personnel and other ongoing costs, and what source of funding will fund the Surveillance Technology in the coming year;

(8) Any requested modifications to the Surveillance Technology Policy and a detailed basis for the request;

(9) Where applicable, a general breakdown of what physical objects the Surveillance Technology hardware was installed upon, using general descriptive terms; for Surveillance Technology software, a general breakdown of what data sources the Surveillance Technology was applied to; ~~and~~

(10) A description of products and services acquired or used in the preceding year that are not already included in the Surveillance Technology Policy, including manufacturer and model numbers, and the identity of any entity or individual that provides to the Department services or equipment essential to the functioning or effectiveness of the Surveillance Technology; and

(11~~0~~) A summary of all requests for Board of Supervisors' approval for a Surveillance Technology Policy ordinance.

An Annual Surveillance Report shall not contain the specific records that a Surveillance Technology item collects, stores, exchanges, or analyzes and/or information protected, restricted, and/or sealed pursuant to State and/or federal laws, including information exempt from disclosure under the California Public Records Act.

"City" means the City and County of San Francisco.

"City Department" or "Department" means any City official, department, board, commission, or other entity in the City except that it shall not mean the District Attorney or Sheriff when performing their investigative or prosecutorial functions, provided that:

(1) The District Attorney or Sheriff certifies in writing to the Controller that acquisition or use *of* a specific *Surveillance Technology is necessary to perform an investigative or prosecutorial function.* The certification shall identify the Surveillance Technology acquired or to be acquired and shall be a public record;~~,~~ *and*

(2) The District Attorney or Sheriff provides in writing to the Controller either an explanation of how compliance with this Chapter 19B will obstruct their investigative or prosecutorial function or a declaration that the explanation itself will obstruct either function.

For purposes of subsection 19B.2(d) only, "City Department" and "Department" shall not include federally-regulated facilities at the Airport or Port.

"COIT" means the Committee on Information Technology.

"Exigent circumstances" means an emergency involving imminent danger of death or serious physical injury to any person that requires the immediate use of Surveillance Technology or the information it provides.

"Face recognition technology*" means an automated or semi-automated process that assists in identifying or verifying an individual based on an individual's face.*

"Surveillance Impact Report" means a written report that includes at a minimum the following:

(1) Information describing the Surveillance Technology and how it works, including product descriptions from manufacturers;

(2) Information on the proposed purpose(s) for the Surveillance Technology;

(3) If applicable, the general location(s) it may be deployed and crime statistics for any location(s);

(4) An assessment identifying any potential impact on civil liberties and civil rights and discussing any plans to safeguard the rights of the public;

(5) The fiscal costs for the Surveillance Technology, including initial purchase, personnel and other ongoing costs, and any current or potential sources of funding;

(6) Whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis; and

(7) A summary of the experience, if any, other governmental entities have had with the proposed technology, including information about its effectiveness and any known adverse information about the technology such as unanticipated costs, failures, or civil rights and civil liberties abuses.

"Personal communication device" means a cellular telephone that has not been modified beyond stock manufacturer capabilities, a personal digital assistant, a wireless capable tablet or

similar wireless two-way communications and/or portable Internet accessing devices, whether procured or subsidized by a City entity or personally owned, that is used in the regular course of conducting City business.

"Protected Class" means a class of persons with shared characteristics based on sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, gender identity, gender expression, or sexual orientation, or any other class protected under the California Unruh Civil Rights Act.

"Surveillance Technology" means any software, electronic device, system utilizing an electronic device, or similar device used, designed, or primarily intended to collect, retain, process, or share audio, electronic, visual, location, thermal, biometric, olfactory or similar information specifically associated with, or capable of being associated with, any individual or group. Surveillance Technology" includes but is not limited to the following: international mobile subscriber identity (IMSI) catchers and other cell site simulators; automatic license plate readers; electric toll readers; closed-circuit television cameras; gunshot detection hardware and services; video and audio monitoring and/or recording technology, such as surveillance cameras, wide-angle cameras, and wearable body cameras; mobile DNA capture technology; biometric software or technology, including facial, voice, iris, and gait-recognition software and databases; software designed to monitor social media services; x-ray vans; software designed to forecast criminal activity or criminality; radio-frequency I.D. (RFID) scanners; and tools, including software and hardware, used to gain unauthorized access to a computer, computer service, or computer network. Surveillance Technology does not include the following devices, hardware, or software:

(1) Office hardware, such as televisions, computers, credit card machines, copy machines, telephones, and printers, that are in common use by City Departments and used for routine City business and transactions;

(2) City databases and enterprise systems that contain information kept in the ordinary course of City business, including, but not limited to, human resource, permit, license, and business records;

(3) City databases and enterprise systems that do not contain any data or other information collected, captured, recorded, retained, processed, intercepted, or analyzed by Surveillance Technology, including payroll, accounting, or other fiscal databases;

(4) Information technology security systems, including firewalls and other cybersecurity systems intended to secure City data;

(5) Physical access control systems, employee identification management systems, and other physical control systems;

(6) Infrastructure and mechanical control systems, including those that control or manage street lights, traffic lights, electrical, natural gas, or water or sewer functions;

(7) Manually-operated technological devices used primarily for internal City communications, which are not designed to surreptitiously collect surveillance data, such as radios, personal communication devices, and email systems;

(8) Manually-operated and non-wearable handheld cameras, audio recorders, and video recorders, that are not designed to be used surreptitiously and whose functionality is limited to manually capturing and manually downloading video and/or audio recordings;

(9) Surveillance devices that cannot record or transmit audio or video or be remotely accessed, such as image stabilizing binoculars or night vision equipment;

~~(10) Computers, software, hardware, or devices, used in monitoring the work and work-related activities involving City buildings, employees, contractors, and volunteers or used in conducting internal investigations involving City employees, contractors, and volunteers;~~

(~~11~~10) Medical equipment and systems used to record, diagnose, treat, or prevent disease or injury, and used and/or kept in the ordinary course of providing City services;

(~~12~~11) Parking Ticket Devices;

(~~13~~12) Police Department interview rooms, holding cells, and internal security audio/video recording systems;

(~~14~~13) Police department computer aided dispatch (CAD), records/case management, Live Scan, booking, Department of Motor Vehicles, California Law Enforcement Telecommunications Systems (CLETS), 9-1-1 and related dispatch and operation or emergency services systems;

(~~15~~14) Police department early warning systems; and

(~~16~~15) Computers, software, hardware, or devices intended to be *used* solely *to monitor the safety and security of City facilities* and City vehicles, not generally accessible to the public~~, and their occupants~~.

"Surveillance Technology Policy" means a written policy that includes:

(1) A description of the product and services addressed by the Surveillance Technology, including ~~manufacturer and model numbers and/or~~ *the identity of any provider(s)whose services are essential to the functioning or effectiveness of the Surveillance Technology equipment or services for the intended purpose;*

(2) A description of the purpose(s) for which the Surveillance Technology equipment or services are proposed for acquisition, including the type of data that may be collected by the Surveillance Technology equipment or services;

(3) The uses that are authorized, the rules and processes required prior to such use, and uses of the Surveillance Technology that will be expressly prohibited.

(4) A description of the formats in which information collected by the Surveillance Technology is stored, copied, and/or accessed;

(5) The specific categories and titles of individuals who are authorized by the Department to access or use the collected information, including restrictions on how and under what circumstances data collected with Surveillance Technology can be analyzed and reviewed, and the rules and processes required prior to access or use of the information;

(6) The general safeguards that protect information from unauthorized access, including encryption and access control mechanisms;

(7) The limited time period, if any, that information collected by the Surveillance Technology will be routinely retained, the reason such retention period is appropriate to further the purpose(s) enumerated in the Surveillance Technology Policy, the process by which the information is regularly deleted after that period lapses, and the specific conditions that must be met to retain information beyond that period;

(8) How collected information can be accessed or used by members of the public, including criminal defendants;

(9) Which governmental agencies, departments, bureaus, divisions, or units that may receive data collected by the Surveillance Technology operated by the Department, including any required justification or legal standard necessary to share that data and how it will ensure that any entity receiving such data complies with the Surveillance Technology Policy;

(10) The training required for any individual authorized to use the Surveillance Technology or to access information collected by the Surveillance Technology;

(11) The mechanisms to ensure that the Surveillance Technology Policy is followed, including internal personnel assigned to ensure compliance with the policy, internal recordkeeping of the use of the technology or access to information collected by the technology, technical measures to monitor for misuse, any independent person or entity with oversight authority, and the sanctions for violations of the policy; and

(12) What procedures will be put in place by which members of the public can register complaints or concerns, or submit questions about the deployment or use of a specific Surveillance Technology, and how the Department will ensure each question and complaint is responded to in a timely manner.

SEC. 19B.2. BOARD OF SUPERVISORS APPROVAL OF SURVEILLANCE TECHNOLOGY POLICY.

(a) Except as stated in subsection (c), and in accordance with the procedures set forth in subsection (b), *a Department must obtain Board of Supervisors approval by ordinance of a Surveillance Technology Policy under which the Department will acquire and use Surveillance Technology, prior to engaging in any of the following:*

(1) Seeking funds for Surveillance Technology, including but not limited to applying for a grant, or accepting state or federal funds, or public or private in-kind or other donations;

(2) Acquiring or borrowing new Surveillance Technology, including but not limited to acquiring Surveillance Technology without the exchange of monies or other consideration;

(3) Using new or existing Surveillance Technology for a purpose, in a manner, or in a location not specified in a Surveillance Technology Policy ordinance approved by the Board in accordance with this Chapter 19B; ~~or~~

(4) Entering into agreement with a non-City entity to acquire, share, or otherwise use Surveillance Technology; or

(5) Entering into an oral or written agreement under which a non-City entity or individual regularly provides the Department with data or information acquired through the entity's use of Surveillance Technology.

(b) The Board of Supervisors may approve a Surveillance Technology Policy ordinance under subsection (a) only under the following circumstances:

(1) The Department seeking Board approval under subsection (a) first submits to COIT a Surveillance Impact Report for the Surveillance Technology to be acquired or used;

(2) Based on the Surveillance Impact Report submitted by the Department, COIT develops a Surveillance Technology Policy for the Surveillance Technology to be acquired or used;

(3) At a public hearing at which COIT considers the Surveillance Technology Policy, COIT recommends that the Board of Supervisors adopt, adopt with modifications, or decline to adopt the Surveillance Technology Policy for the Surveillance Technology to be acquired or used.

(c) A Department is not required to obtain Board of Supervisors approval by ordinance of a Surveillance Technology Policy if the Department's acquisition or use of the Surveillance Technology complies with a Surveillance Technology Policy previously approved by the Board by ordinance.

(d) *Notwithstanding the provisions of this Chapter 19B, it shall be unlawful for any Department to obtain, retain, access, or use: 1) any Face Recognition Technology; or 2) any information obtained from Face Recognition Technology.* A Department's inadvertent or unintentional receipt, retention, access to, or use of any information obtained from Face Recognition Technology shall not be a violation of this subsection ~~(b)~~(d), provided that:

(1) The Department does not request or solicit its receipt, access to, or use of such information; and

(2) The Department logs such receipt, access to, or use in its Annual Surveillance Report.

(~~c~~e) If either the District Attorney or Sheriff certifies in writing to the Controller that acquisition of Surveillance Technology is necessary to perform an investigative or prosecutorial function and provides in writing to the Controller either an explanation of how compliance with this

Chapter 19B will obstruct their investigative or prosecutorial function or a declaration that the explanation itself will obstruct either function, the District Attorney or Sheriff shall simultaneously submit a copy of the document to the Clerk of the Board of Supervisors so that the Board in its discretion may hold a hearing and request that the District Attorney or Sheriff appear to respond to the Board's questions regarding such certification, explanation, and/or declaration. The written certification shall specify the Surveillance Technology acquired, or to be acquired.

(~~d~~f) Nothing in this Chapter 19B shall be construed to obstruct the constitutional and statutory powers and duties of the District Attorney, the Sheriff, the Chief Adult Probation Officer, or the Chief Juvenile Probation Officer.

(g) Except as restricted by subsection 19B.2(d) or expressly restricted in a Surveillance Technology Policy developed pursuant to subsection 19B.2(a)(5), nothing in this Chapter 19B shall be construed to prohibit, restrict, or interfere with the receipt, access to, or use by a City department of information gathered by a non-City entity or individual from Surveillance Technology.

(h) Nothing in this Chapter 19B shall prohibit, restrict, or interfere with a Department's use of Surveillance Technology to conduct internal investigations involving City employees, contractors, and volunteers, or the City Attorney's ability to receive or use, in preparation for or in civil or administrative proceedings, information from Surveillance Technology (excluding Face Recognition Technology to the extent prohibited under section 19B.2.d) that any City agency, department or official gathers or that any other non-City entity or person gathers.

SEC. 19B.3. SURVEILLANCE IMPACT REPORT AND SURVEILLANCE TECHNOLOGY POLICY SUBMISSION.

(a) COIT shall post on COIT's website each Surveillance Impact Report submitted by Departments under subsection 19B.2(b)(1) and COIT's recommendations to the Board of Supervisor's under subsection 19B.2(b)(3) for each Surveillance Technology Policy.

(~~a~~b) The Department seeking approval under Section 19B.2 shall submit to the Board of Supervisors and publicly post on the Department website a Surveillance Impact Report and a proposed Surveillance Technology Policy ordinance at least 30 days prior to the public meeting where the Board will consider that Surveillance Technology Policy ordinance pursuant to Section 19B.2.

(~~b~~c) Prior to submitting the Surveillance Technology Policy ordinance to the Board, the Department must first approve the policy, submit the policy to the City Attorney for review, and submit the policy to the Mayor.

SEC. 19B.4. STANDARD FOR APPROVAL.

It is the policy of the Board of Supervisors that it will approve a Surveillance Technology Policy ordinance only if it determines that the benefits the Surveillance Technology ordinance authorizes outweigh its costs, that the Surveillance Technology Policy ordinance will safeguard civil liberties and civil rights, and that the uses and deployments of the Surveillance Technology under the ordinance will not be based upon discriminatory or viewpoint-based factors or have a disparate impact on any community or Protected Class~~group~~.

SEC. 19B.5. COMPLIANCE FOR EXISTING SURVEILLANCE TECHNOLOGY.

(a) Each Department possessing or using Surveillance Technology before the effective date of this Chapter 19B shall submit an inventory of its Surveillance Technology to COIT, within 60 days of the effective date of this Chapter. COIT shall publicly post the inventory on COIT's website.

(b) Each Department possessing or using Surveillance Technology before the effective date of this Chapter 19B shall submit *a proposed Surveillance Technology Policy ordinance to the Board of Supervisors*, in accordance with the procedures set forth in subsection 19B.2(b), *for* ~~that~~ each *particular Surveillance Technology no later than* ~~120~~ 180 *days following the effective date of this Chapter, for review and approval by the Board by ordinance.* A Department may submit a Surveillance Technology Policy ordinance that includes multiple, separate policies for each particular Surveillance Technology possessed or used before the effective date of this Chapter 19B.

(~~b~~c*) If a Department is unable to meet this* ~~120~~180*-day timeline, the Department may notify the Clerk of the Board of Supervisors in writing of the Department's request to extend this period and the reasons for that request. The Clerk of the Board may for good cause grant a Department* ~~a single~~ *extensions of up to 90 days* per extension, *beyond the* ~~120~~180*-day timeline to submit a proposed Surveillance Technology Policy.*

(~~c~~d*)* Each Department possessing or using Surveillance Technology before the effective date of this Chapter 19B may continue ~~If the Board has not approved a Surveillance Technology Policy ordinance for Surveillance Technology in use before the effective date of this Chapter 19B, within 180 days of its submission to the Board, the Department shall cease~~ *its use of the Surveillance Technology and the sharing of data from the Surveillance Technology until such time as the Board* ~~approves the~~ enacts an ordinance regarding the Department's *Surveillance Technology Policy* ~~ordinance in accordance with this Chapter~~ and such ordinance becomes effective under Charter Section 2.105.

SEC. 19B.6. ANNUAL SURVEILLANCE REPORT.

(a) A Department that obtains approval for the acquisition of Surveillance Technology under Section 19B.2 must submit to the Board of Supervisors and COIT, *and make available on its website,*

an Annual Surveillance Report for each Surveillance Technology used by the City Department within 12 months of Board approval of the applicable Surveillance Technology Policy, and annually thereafter on or before November 1. If the Department is unable to meet the deadline, the Department may submit a request to ~~the Clerk of the Board~~COIT *for an extension of the deadline.* ~~The Clerk~~ COIT *may extend the deadline for good cause.*

(b) By no later than ~~January~~February *15 of each* ~~fiscal~~ *year, each Department that has obtained approval for the acquisition of Surveillance Technology under Section 19B.2 shall submit to the Board of Supervisors* the Department's Annual Surveillance Report ~~a report regarding implementation of the policy~~ *and a resolution to accept the report.*

(c) By no later than ~~January~~February *15 of each year, the Board of Supervisors shall publish a summary of all requests for Board approval of Surveillance Technology Policy ordinances, which shall include a summary of any Board action related to such requests, and all Annual Surveillance Reports submitted in the prior calendar year.*

(d) By no later than ~~January~~February 15 of each year, COIT shall post on its website each Annual Surveillance Report submitted to COIT in the prior year.

SEC. 19B.7. USE OF SURVEILLANCE TECHNOLOGY IN EXIGENT CIRCUMSTANCES.

(a) A Department may temporarily acquire or temporarily use Surveillance Technology in exigent circumstances without following the provisions of this Chapter 19B. If a Department acquires or uses Surveillance Technology under this Section 19B.7, the Department shall do all of the following:

(1) Use the Surveillance Technology solely to respond to the exigent circumstances;

(2) Cease using the Surveillance Technology within seven days, or when the exigent circumstances end, whichever is sooner;

(3) Keep and maintain only data related to the exigent circumstances, and dispose of any data that is not relevant to an ongoing investigation, unless its retention is (A) authorized by a court based on a finding of probable cause to believe the information constitutes evidence of a crime; or (B) otherwise required by law;

(4) Not disclose to any third party any information acquired during exigent circumstances unless such disclosure is (A) authorized by a court based on a finding of probable cause to believe the information constitutes evidence of a crime; or (B) otherwise required by law; and

(5) Submit a written report summarizing that acquisition and/or use of Surveillance Technology under this Section 19B.7 to the Board of Supervisors within ~~45~~ 60 *days following the inception of the exigent circumstances.*

(b) Any Surveillance Technology temporarily acquired in exigent circumstances shall be returned within 7 days following ~~its acquisition, or when~~ *the* conclusion of the *exigent circumstances* ~~end, whichever is sooner~~*, unless the Department acquires the Surveillance Technology in accordance with the requirements of this Chapter 19B.*

SEC. 19B.8. ENFORCEMENT.

(a) If a Department alleged to have violated this Chapter 19B takes corrective measures in response to such allegation, the Department shall post a notice on the Department's website that generally describes any corrective measure taken to address such allegation.

~~(b) It shall be a misdemeanor to knowingly use City-owned Surveillance Technology (1) for a purpose or in a manner that is specifically prohibited in a Board-approved Surveillance Technology Policy ordinance, or (2) without complying with the terms of this Chapter 19B. Unless otherwise prohibited by law, the District Attorney may prosecute a violation of this Chapter.~~

(~~c~~b) Any violation of this Chapter 19B constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in any court of competent jurisdiction to enforce this Chapter 19B. An action instituted under this subsection (c) shall be brought against the City.

(~~d~~c) Prior to the initiation of any legal proceeding under subsection (c), the City must be given written notice of the violation(s) and an opportunity to correct such alleged violation(s) within 30 days of receipt of the notice.

(~~e~~d) If the alleged violation(s) is substantiated and subsequently corrected, a notice shall be posted in a conspicuous space on the City's website that describes the corrective measure(s) taken to address the violation(s).

(~~f~~e) A court shall award costs and reasonable attorney's fees to a plaintiff who is a prevailing party in any action brought under subsection (c).

Section 3. The Administrative Code is hereby amended by revising Sections 2A.20 and 10.170-1, and adding Sections 3.27 and 21.07, to read as follows:

SEC. 2A.20. CONTROLLER'S AUDITS.

(a) The Controller shall audit the accounts of all boards, officers, and employees of the City and County charged in any manner with the custody, collection, or disbursement of funds. The Controller shall audit all accounts of money coming into the hands of the Treasurer, the frequency of which shall be governed by State law.

(b) The Controller shall have the authority to audit the operations of all boards, commissions, officers, and departments to evaluate their effectiveness and efficiency. The Controller shall have access to, and authority to examine all documents, records, books, and other property of any board, commission, officer, or department.

(c) When requested by the Mayor, the Board of Supervisors, or any board or commission for its own department, the Controller shall audit the accounts of any officer or department.

(d) Surveillance Technology Audit.

(1) For purposes of this subsection (d), "Department," "Surveillance Technology," "Surveillance Technology Policy," and "Annual Surveillance Report" have the meanings set forth in Section 19B.1 of the Administrative Code.

(2) Acting as City Services Auditor, and beginning in fiscal year 2019-2020, the Controller shall audit annually the use of Surveillance Technology by Departments. Such an audit shall include a review of whether a Department has operated and is operating in compliance with an approved Surveillance Technology Policy ordinance, and has completed an Annual Surveillance Report, and such other information as the Controller determines helpful to assess the Surveillance Technology Policy. ~~The audit shall also include a review of the difference, if any, between the full cost of the Surveillance Technology equipment and services included in the Surveillance Technology Policy and the total annual costs for the Surveillance Technology included in the Annual Surveillance Report.~~ *At the completion of the audit and in consultation with the City Attorney, the Controller* ~~shall~~ may *recommend any changes to any Surveillance Technology Policy ordinance and its implementation to the Board of Supervisors.*

SEC. 10.170-1. GRANT FUNDS – ACCEPTANCE AND EXPENDITURE.

(a) Any department, board, or commission that seeks to accept and expend federal, State, or other grant funds must comply with any applicable provisions of this Section *10.170-1*.

(b) The acceptance and expenditure of federal, State, or other grant funds in the amount of $100,000 or more is subject to the approval by resolution of the Board of

Supervisors. If, as a condition of the grant, the City is required to provide any matching funds, those funds shall be included in determining whether the grant meets the $100,000 threshold. This subsection (b) shall also apply to an increase in a grant where the increase, alone or in combination with any other previous increases to that grant, would raise the cumulative total amount of the grant to $100,000 or more. The department, board, or commission requesting approval shall submit the following documents to the Board prior to its consideration:

(1) A proposed resolution approving the acceptance and expenditure of grant funds, or a proposed ordinance as required under subsection (d), signed by the department head, the Mayor or his or her designee, and the Controller;

(2) A completed "Grant Information Form." The Clerk of the Board shall prepare the form; it shall include a disability access checklist, indirect cost recovery, and other information as the Board of Supervisors may require;

(3) A copy of the grant application;

(4) A letter of intent to award the grant or acknowledgment of grant award from the granting agency; and,

(5) A cover letter to the Clerk of the Board ~~*of Supervisors*~~ substantially conforming to the specifications of the Clerk of the Board.

(c) Grants or Increases to Grants of Less Than $100,000. The Controller may prescribe rules for the acceptance and expenditure of federal, State, or other grant funds in amounts less than $100,000, or for increases to grants where the increase, alone or in combination with any other previous increases to that grant, would not raise the cumulative total amount of the grant to $100,000 or more. The Controller may also prescribe rules for the acceptance and expenditure of increases to grants, where the original grant or any subsequent increase to the grant has been approved by the Board of Supervisors under subsection (b) or (d) and where the latest increase would be in an amount less than $50,000.

* * * *

(l) Surveillance Technology.

(1) For purposes of this subsection (l), "Department," "Surveillance Technology," and "Surveillance Technology Policy" have the meanings set forth in Section 19B.1 of the Administrative Code.

(2) Notwithstanding the provisions of subsections (b) and (c) above, when any City ~~official,~~ *Department*~~, board, commission or other entity of the City (collectively, the "requesting department")~~ *seeks authority to apply for, accept, or expend federal, State, or other grant funds in any amount to purchase Surveillance Technology, the requesting department must submit a Surveillance Technology Policy, approved by the Board of Supervisors in accordance with Chapter 19B of the Administrative Code, to the Board of Supervisors with a request for authorization to accept and expend grant funds.*

SEC. 3.27. APPROPRIATIONS FOR SURVEILLANCE TECHNOLOGY.

(a) For purposes of this Section 3.27, "Department," "Surveillance Technology," and "Surveillance Technology Policy" have the meanings set forth in Section 19B.1 of the Administrative Code.

(b) To the extent that a Department seeks funding to acquire Surveillance Technology, the Department shall transmit a Surveillance Technology Policy, approved by the Board of Supervisors in accordance with Chapter 19B of the Administrative Code, with any budget estimate submitted to the Controller in accordance with Section 3.3(a) or 3.15 of the Administrative Code. To the extent the Mayor concurs in the funding request and the Surveillance Technology Policy, the Mayor shall include the Surveillance Technology Policy with the proposed budget submitted to the Board of Supervisors in accordance with Section 3.3(c) or (d) of the Administrative Code, or, in the case of a supplemental appropriation, Section 3.15 of the Administrative Code.

SEC. 21.07. ACQUISITION OF SURVEILLANCE TECHNOLOGY.

(a) For purposes of this Section 21.07, "Department," "Surveillance Technology," and "Surveillance Technology Policy" have the meanings set forth in Section 19B.1 of the Administrative Code.

(b) Notwithstanding any authority set forth in this Chapter 21, neither the Purchaser nor any Contracting Officer may acquire any Surveillance Technology unless the Board of Supervisors has appropriated funds for such acquisition in accordance with the requirements of Chapter 19B of the Administrative Code.

Section 4. The Administrative Code is hereby amended by revising Chapter 22A, Section 22A.3 as follows:

SEC. 22A.3. COMMITTEE ON INFORMATION TECHNOLOGY.

* * * *

(k) When a City Department submits to COIT a Surveillance Impact Report under subsection 19B.2(b)(1) of Chapter 19B of the Administrative Code, COIT shall develop a Surveillance Technology Policy for the Department. For purposes of this subsection (k), "City Department," "Surveillance Technology Policy," and "Surveillance Impact Report" shall have the meanings set forth in Section 19B.1 of Chapter 19B of the Administrative Code.

Section 5. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
JANA CLARK
Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 190110 **Date Passed:** May 21, 2019

Ordinance amending the Administrative Code to require that City departments acquiring surveillance technology, or entering into agreements to receive information from non-City owned surveillance technology, submit a Board of Supervisors approved Surveillance Technology Policy Ordinance, based on a policy or policies developed by the Committee on Information Technology (COIT), and a Surveillance Impact Report to the Board in connection with any request to appropriate funds for the purchase of such technology or to accept and expend grant funds for such purpose, or otherwise to procure surveillance technology equipment or services; require each City department that owns and operates existing surveillance technology equipment or services to submit to the Board a proposed Surveillance Technology Policy Ordinance governing the use of the surveillance technology; and requiring the Controller, as City Services Auditor, to audit annually the use of surveillance technology equipment or services and the conformity of such use with an approved Surveillance Technology Policy Ordinance and provide an audit report to the Board of Supervisors.

April 15, 2019 Rules Committee - CONTINUED

April 22, 2019 Rules Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

April 22, 2019 Rules Committee - CONTINUED AS AMENDED

May 06, 2019 Rules Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

May 06, 2019 Rules Committee - RECOMMENDED AS AMENDED

May 14, 2019 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 9 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Safai, Stefani and Yee

Excused: 2 - Ronen and Walton

May 14, 2019 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

Ayes: 8 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Safai and Yee

Noes: 1 - Stefani

Excused: 2 - Ronen and Walton

May 21, 2019 Board of Supervisors - DUPLICATED

May 21, 2019 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Walton and Yee

Noes: 1 - Stefani

File No. 190110

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 5/21/2019 by the Board of Supervisors of the City and County of San Francisco.

for **Angela Calvillo**
Clerk of the Board

Unsigned
London N. Breed
Mayor

5/31/19
Date Approved

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board

5/31/19
Date