



Privacy Advisory Commission
June 7, 2018 5:00 PM
Oakland City Hall
Hearing Room 1
1 Frank H. Ogawa Plaza, 3rd Floor
Meeting Agenda

Commission Members: District 1 Representative: Reem Suleiman, District 2 Representative: Chloe Brown, District 3 Representative: Brian M. Hofer, District 4 Representative: Lou Katz, District 5 Representative: Raymundo Jacquez III, District 6 Representative: Clint M. Johnson, District 7 Representative: Robert Oliver, Council At-Large Representative: Saied R. Karamooz, Mayoral Representative: Heather Patterson

Each person wishing to speak on items must fill out a speaker's card. Persons addressing the Privacy Advisory Commission shall state their names and the organization they are representing, if any.

1. 5:00pm: Call to Order, determination of quorum
2. 5:05pm: Review and approval of May meeting minutes
3. 5:10pm: Open Forum
4. 5:15pm: Surveillance Equipment Ordinance - Oakland Department of Transportation/Vendor use of UAV/Drones. Review and take possible action on use policy and anticipated impact report.
5. 5:25pm: Illegal Dumping Project – a) staff update on project and District Attorney direct monitoring of video; b) discuss Surveillance Equipment Ordinance compliance next steps.
6. 5:30pm: Surveillance Equipment Ordinance – status update regarding department outreach for survey of existing equipment.
7. 5:45pm: Drug Enforcement Administration Memorandum Of Understanding - review and take possible action on staff proposed MOU.
8. 5:55pm: Surveillance Equipment Ordinance - “Large Scale Event” - discuss potential monitoring of Warriors championship parade.

9. 6:25pm: Surveillance Equipment Ordinance – Oakland Department of Transportation/Automated license plate reader proposal. Review and take possible action on use policy and anticipated impact report.

10. 7:00pm: Adjournment



Privacy Advisory Commission
May 3, 2018 5:00 PM
Oakland City Hall
Hearing Room 1
1 Frank H. Ogawa Plaza, 3rd Floor
Meeting Minutes

Commission Members: *District 1 Representative: Reem Suleiman, District 2 Representative: Chloe Brown, District 3 Representative: Brian M. Hofer, District 4 Representative: Lou Katz, District 5 Representative: Raymundo Jacquez III, District 6 Representative: Clint M. Johnson, District 7 Representative: Robert Oliver, Council At-Large Representative: Saied R. Karamooz, Mayoral Representative: Heather Patterson*

Each person wishing to speak on items must fill out a speaker's card. Persons addressing the Privacy Advisory Commission shall state their names and the organization they are representing, if any.

1. 5:00pm: Call to Order, determination of quorum

Members Present: Suleiman, Brown, Hofer, Katz, Jacquez, Karamooz, Patterson

Members Absent: Oliver, Johnson

2. 5:05pm: Review and approval of April meeting minutes

The April Minutes were approved unanimously.

3. 5:10pm: Open Forum

There were no Open Forum speakers.

4. 5:15pm: Surveillance Equipment Ordinance – discuss methodology and department outreach for survey of existing equipment.

Joe DeVries noted he would be drafting a memo to all Department Heads explaining the critical points of the ordinance and the need to develop a list of possible items that need to be considered. He also anticipated attending upcoming Senior Staff/Department Head meetings to brief them all and answer their questions.

Member Hofer suggested that the definition included in the ordinance be sent out with the memo but that the memo ask for a broad list of potential items, allowing the PAC to narrow it down as opposed to having each department make that decision. There was agreement on this approach. The memo will likely be drafted in the next few weeks (after final passage of the ordinance).

5. 5:25pm: Streetline Status Report. Review and take possible action on report.

Michael Ford Parking Services Manager for the Department of Transportation provided a brief update on the Streetline project, explaining that there has been a delay in implementation but that staff anticipated it would be back on track in the next few months. The firm is investing resources in creating a “mesh network” to better display where parking spaces are available.

6. 5:30pm: Vehicle-mounted Automated License Plate Recognition (ALPR) for Parking Enforcement. Review and take possible action on use policy.

Michael Ford Parking Services Manager for the Department of Transportation presented on this issue as well and explained that the City’s current 70 Parking Enforcement Technicians currently conduct enforcement of rules such as two-hour parking limitations by hand which is very time consuming. By implementing an ALPR system, the ALPR will indicate whether a car is in violation automatically while the technician drives down the street.

The PAC reviewed the draft impact statement and made some recommendations regarding the retention of and access to data by third party vendors and/or OPD. Chairperson Hofer noted that SB34 has provisions that DOT will need to incorporate into a Use Policy as well.

There were two public speakers:

Ken Pratt is opposed to the use of this technology and believes it is solely to generate more revenue for the City.

J.P. Masser raised concerns about the potential for a disparate impact on certain populations based on deployment of the devices and on how the city would handle out-of-state license plates.

It was agreed upon to have a small ad hoc group work with DOT staff on a modified impact assessment and use policy and return to the full PAC in June.

7. 6:10pm: Oakland Department of Transportation/Vendor use of UAV/Drones. Review and take possible action on use policy.

Nicole Ferrara with the Department of transportation’s Great Streets Division presented on the item, explaining the purpose of using drones to track transportation projects in a safer more efficient way. Currently, to take overhead pictures of projects, the department relies on a staff member in a cherry-picker elevated several feet above often heavily travelled thoroughfares.

During the presentation PAC members offered suggestions about blurring of faces and license plates, and posting signs noting filming in progress for passersby. It was agreed upon to have a small ad hoc group work with DOT staff on a modified impact assessment and use policy and return to the full PAC in June.

Anticipated Impact Report for Unmanned Aerial Vehicles (UAV)/Drones

1. Information Describing the Integrated Helicopter Mapping System Unmanned Aerial Vehicles and How It Works

An Unmanned Aerial Vehicle (UAV) is an aircraft that is intended to navigate in the air without an on-board pilot. UAVs are alternatively called Remotely Piloted Aircrafts (RPA), Remotely Operated Vehicles (ROV), or Drones. UAVs are part of Unmanned Aircraft Systems (UAS) that include the necessary equipment, network, and personnel to control UAVs.

Sample Images of a street improvement project that would be captured with a UAV:



UAVs may be equipped with Cameras and/or Mapping Software.

Cameras

- ~~All UAVs may be~~ cameras will be equipped with regular RGB (visible light) ~~view cameras~~ for digitally capturing still images and video footage.
- Depending on the need and vendor capacity, UAV cameras may also use ~~a thermographic camera technology that senses to sense~~ infrared radiation and/or for capturing still 3-D image and/or video 3-D footage. ~~The sensors installed~~ Thermal imaging cameras use detection of detect infrared radiation, typically emitted from a heat source (thermal radiation), to create a "picture" assembled for video output.

Thermal imaging cameras detect the heat given off by an object or person. Thousands of sensors on the array convert the infrared energy into electrical signals, which create a video image. The infrared camera measures and displays a "thermal profile" of objects in relation to the temperature of surrounding objects. So a person, warmer than the surrounding air, appears "white" while the cooler surrounding air or buildings will appear in varying shades of gray. The "white" images do not always show a clear silhouette and, as such, are subject to the observer's interpretation.

Sample UAV Regular RGB (Visible Light) Image of Earthquake Rescue (Beichuan, China)



Sample Thermal Image to Identify People in the Dark (San Diego)

Commented [PHM1]: Most drones are now equipped with mapping software and navigation systems for land and project surveying, typically linking RGB or IR cameras with either GPS or GLONASS or RTK (real time kinematics). Will the DoT want to take advantage of this functionality? If so, I suggest including it here. I added a brief description after the Camera images.

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Commented [PHM2]: Am I correct in thinking that IR cameras provide 3-D views for both still images and videos? (As written, it sounded like IR cameras provide 2-D thermal images, but 3-D videos. Just want to make sure I have it right.)

Commented [PHM3]: I see that this comes from the template Anticipated Surveillance Impact Report, which seems fine. It may be more detail than needed.

Commented [PHM4]: It would be nice to use a picture that is from a UAV rather than a helicopter, and that wasn't tagged as a police image. Do we have one on file, or could we get one?



Mapping Software

In addition to cameras, UAVs may also be equipped with a mapping system that link images from compatible camera(s) with a Ground Control Point (GCP) taken from a Global Positioning System (GPS) or Real Time Kinematic (RTK) coordinate. Mapping may be used to capture essential identifying, topographical, or functional information regarding a transportation or natural disaster site.

Information that may be available from the use of mapping software includes:

- Site identifiers (e.g., addresses, business names, parcel numbers);
- Topographical information (e.g., terrain area, elevation, land contour lines and boundaries, water drainage areas, soil erosion, areas with water leaks or poor insulation coverage); and
- Functional information (e.g., 3D models of construction sites, stockpiles of raw materials, health of agricultural plots, etc.).

<INSERT PICTURE OF DRONE MAPPING, IF GPS OR OTHER MAPPING FUNCTIONALITY IS ANTICIPATED TO BE USED>

Commented [PHM5]: I've modified the description from the Anticipated Surveillance Impact Report Template.

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Commented [PHM6]: I'm basing this on the helicopter mapping system language in the Template. It's probably true, but I don't know 100%.

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Commented [PHM7]: I added this, based on <https://www.dronepilotgroundschool.com/drone-mapping-software/> and other resources.

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Commented [PHM8]: Should a drone mapping picture be included here?

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2. **Proposed Purpose**

UAVs/drones with cameras and/or mapping systems will be used by or on behalf of the Department of Transportation (DOT) by city vendors for two primary purposes:

1) For project photography purposes DOT project to documentation to capture before and after impacts of transportation improvement projects in the public right of way; and

2) For emergency response to rapidly assess roadway and infrastructure conditions without endangering city staff on public and private properties following a natural disaster (e.g., mudslide, flood, earthquake, fire, sinkhole, etc.).

When vendors UAVs are deployed by or on behalf of the Department of Transportation to for use UAVs for in these situations, they will be guided by a pilot in command (PIC) who has an FAA Remote Pilot Certificate. The PIC and will be accompanied by one or more Visual Observers (VO) who are trained and assigned by the vendor to view live footage.

The camera to record video footage and still imagery is Any cameras or mapping systems will be activated only when in the project relevant area, such as:

- DOT Transportation Project Areas Photography**
Once the UAV enters the a DOT project area, vendors the PIC and VO will be assigned permitted to take still images, and/or record video footage, and/or map of public rights-of-way from specific angles that capture the local of proposed or completed transportation improvement projects. The purpose of this information these photographs is to communicate our Department of Transportation work to the public.

Commented [PHM9]: During the meeting, there seemed to be uncertainty as to whether the UAVs would necessarily be operated by vendors, or whether DOT would want to reserve the option of operating the drones with in-house personnel. To simplify for later, I've removed vendor language from the Proposed Purpose but have included it elsewhere (DOD or entities acting on its behalf).

- **Emergency Response Sites**

Once the UAV enters the emergency response areas, the PIC and VO will be permitted to take still images, record video footage, and/or map. The Department of Transportation responds to many natural disasters in order to assess conditions that may endanger public safety. The purpose of this information is to and the safety of staff. UAVs would allow Department of Transportation staff to quickly and safely respond to natural disasters, and assess conditions that may be inaccessible or unsafe for staff to enter.

Commented [PHM10]: This material is fine here, but I think it could fit comfortably within Mitigations, as well.

3. Locations Where UAVs May Be Deployed

Federal guidelines state that UAVs may fly no higher than 400 feet and remain below any surrounding obstacles when possible. They must remain thoroughly clear of and not interfere with manned aircraft operations and must avoid other aircraft and obstacles at all times.

UAVs may be deployed by or on behalf of the DOT to observe and document only:

1. DOT (Transportation improvement projects) and
2. Sites of natural disaster for which the DOT needs to assess conditions that may endanger public safety.

Commented [PHM11]: Should this be defined or constrained in some way? I don't want to overly restrict. What makes sense?

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4. Potential Impact on Civil Liberties & Privacy

The Department of Transportation recognizes that all people have an inalienable right to privacy and is committed to protecting and safeguarding this right. The DOD also recognizes that the UAV could raise concerns regarding real and/or perceived threats to civil liberties and privacy.

Specifically, the Department recognizes the following actual or potential public concerns:

a) Capturing the identity or recording the activity of persons

The public may be concerned that UAVs/Drones will capture personally identifiable information (PII) without notice or consent, or that UAVs/Drones will enable individuals' behaviors to be revealed to and/or monitored by DOD or other government agencies, their partners or affiliates, and/or the public. To these points, it should be noted that UAV cameras and integrated mapping system will be deployed for infrastructure documentation and public safety purposes. They will not be deployed to establish the identity or monitor the behavior of individuals or groups of individuals. Finally, these devices will not be used by law enforcement. UAV photographs and video recordings are similar to existing project photographs and emergency response photographs presently taken by Department of Transportation staff.

Commented [PHM12]: As originally written (pulled from the Santa Clara County Office of the Sheriff, I believe), potential impacts and mitigations were conflated, and individual issues were collapsed. Here, I've tried to pull apart the issues and address each one point by point, using as much existing language as possible. In the Mitigation section (Section 5), I follow the same issue order, nod back to each potential concern, and then provide additional mitigating steps that could be taken to alleviate concerns.

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b) Targeted high-powered surveillance or voyeurism

Two concerns stem from potential surveillance and voyeurism practices enabled by UAVs.

- First, the public may be concerned about UAV and other surveillance technologies using powerful cameras for discriminatory targeting or other

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purposes. To this end, it should be noted that the RGB and infrared cameras available on commercially-available drones, which the DOT would acquire, cannot see through exterior walls, roofs, cars, clothing, or any object that would normally block a view observable by the naked eye. They also cannot see through glass because glass has its own thermal profile. Further, unlike night vision cameras that have the ability to see in low light conditions, infrared cameras can only detect an abnormal heat source which would appear "white" while the cooler surrounding air or buildings will appear in varying shades of gray. The "white" images do not always show a clear silhouette and, as such, are subject to the observer's interpretation.

- Second, the public may be concerned about UAVs enabling voyeurism. Concerns over voyeurism often stem from UAV operators who work alone, since it provides the most opportunity for abuse. To this end, it should be noted that UAV Visual Observer (VO) cannot operate the integrated mapping system without the UAV Pilot in Command (PIC) present, since the system can only be operated while the UAV is in flight. Second, while the UAV Visual Observer (VO) may potentially see members of the public who are incidentally present at the site of the transportation project or natural disaster, the observer would only be able to view the image for a brief period through the UAV monitor since the focus would remain on the transportation project or disaster site being assessed.

c) **Data Use and Retention, Accountability and Auditing.** Finally, potential privacy and civil liberties concerns may arise from uncertainties regarding UAV/Drone data access, use, distribution, storage, security, and the accountability of handlers and owners of that data.

~~The Department will not capture still or video footage of persons in areas where there is an expectation of privacy without the individual's permission, unless responding to a natural disaster.~~

The Police Department also recognizes that the integrated helicopter mapping system UAV could raise concerns regarding real and/or perceived threats to civil liberties and privacy. In general this context, the public is concerned about police surveillance equipment using powerful zoom lenses and thermal cameras that may be used for discriminatory targeting or other purposes. It must be noted that these devices will not be used by law enforcement for surveillance purposes. These photographs and video recordings are similar to existing project photographs and emergency response photographs presently taken by Department of Transportation staff.

5. Mitigations

To be directly responsive to potential or feared impacts enumerated in Section 4 of this Anticipated Impact Report, [identify specific affirmative technical and procedural measures that will be implemented to safeguard the public from each impact] DOT, or vendors acting on its behalf, will take the following actions to protect the Privacy, and Civil Rights and Civil Liberties interests of the public:

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Commented [FN13]: Not sure- any recommendations??

a) Capturing the identity or recording the activity of persons.

To further assuage public concerns about identity capturing and/or activity monitoring identified in Section 4, the following protective measures will be taken by DOD or those acting on its behalf:

~~will not capture still or video footage of persons in areas where there is an expectation of privacy without the individual's permission, unless responding to a natural disaster.~~

1. DOD will not capture still or video footage of persons in areas where there is an expectation of privacy without the individual's permission, unless responding to a natural disaster.
2. Excepting deployments for natural disaster impact assessments or for project monitoring in areas where there is no reasonable expectation of privacy, as in a public transit area, DOD will provide advance and ongoing notice to the public regarding where, when, and for how long UAVs will be authorized to operate. Notice will be posted conspicuously onsite xx hours prior to the first anticipated usage and including a project date range.
3. Where PII, such as faces, license plates, and house numbers, is captured in camera or video footage that is retained by DOD or those acting on its behalf, that data will be obfuscated through technical means, such as blurring, pixilation, blocking, or redaction of hard copies, such that it is no longer identifiable or reasonably re-identifiable.
4. The DOD will keep the public informed about planned and actual DOT UAV usage, as well as changes that would significantly affect privacy, civil rights, or civil liberties.

b) Targeted high-powered surveillance or voyeurism

To further assuage concerns regarding high-powered surveillance or voyeurism raised in Section 4, DOD will take the following steps:

5. DOD will not supplement existing commercially-available UAV technology with technologies that enable the detection of persons or objects through walls, roofs, cars, clothing, or other objects that would normally block a view observable by a standard RGB camera or the naked eye.
6. All recordings made by the UAV VO will be subject to review by the Department of Transportation.

c) Data Use, Retention, Distribution, and Accountability and Auditing.

Finally, to assuage potential privacy and civil liberties arising from uncertainties regarding UAV/Drone data access, use, storage, security, and the accountability of handlers and owners of that data, the following mitigating steps will be taken:

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7. DOD and entities acting on its behalf will collect information using UAVs, or use UAV-collected information, only to the extent that such collection or use is consistent with and relevant to an authorized purpose and DOT privacy and use policy.

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8. PII collected by or on behalf of DOD with UAVs that cannot be technically obfuscated will be used solely for the purpose(s) specified in the notice. PII will be retained for no longer than xxx days unless retention of the information is determined to be necessary to an authorized mission, in maintained in a system of records covered by the Privacy Act, or is required to be retained for longer period by any other applicable law or regulation.

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—Video footage or photographs may potentially be shared with the following: a)

—The public to increase awareness and understanding of transportation improvement projects and natural disasters: b)

—Data on natural disasters may be shared with relevant utility companies (e.g. PG&E) and partner agencies (e.g. EBMUD, Caltrans). Outside of these planned distributions:

9. DOD will take steps to ensure that systems and data will not be disseminated outside of DOD unless dissemination is required by law, or fulfills and authorized purpose and complies with the DOD's UAV use purposes.

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10. DOD will make available to the public, in an Annual Surveillance Report pursuant to Chapter 9.64 of the Oakland Municipal Code, a description of how the technology was used, including the type and quantity of data gathered or analyzed by the technology; whether and how often data acquired through the technology was shared with outside entities, the name of any recipient entity, the type(s) of data disclosed, under what legal standards the information was disclosed, and the justification for the disclosure(s); and other information required per Section 9.64.010 of that Ordinance.

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Commented [PHM16]: I've organized this into a table, which I find easier to scan. Note that I also erred on the side of inclusivity and added data that is available from GPS and other mapping systems, which most drones are now equipped with.

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— Notice or disclaimers? Warning signs?

6. Data Types and Sources

- Camera
- Regular still images
- Regular video images
- Thermal still and video images

• 3D-video images

<u>Data Sources</u>	<u>Data Types</u>	<u>Information</u>
<u>RGB and IR Cameras</u>	<ul style="list-style-type: none"> • <u>Regular (visible light) RGB still images</u> • <u>Regular (visible light) RGB video images</u> 	<ul style="list-style-type: none"> • <u>Images and videos of streets, crosswalks, medians, sidewalks, curb cuts, and other</u>

	<ul style="list-style-type: none"> • <u>Thermal (thermographic/infrared) 3-D still images</u> • <u>Thermal (thermographic/infrared) 3-D video images</u> 	<u>transportation infrastructure</u> <ul style="list-style-type: none"> • <u>Images and videos of incidentally-captured persons, vehicles, and dwellings, and commercial buildings</u> • <u>Images and videos of natural disaster sites</u>
<u>Mapping Software</u>	<ul style="list-style-type: none"> • <u>Linked images from compatible camera(s) with a Ground Control Point (GCP) taken from a Global Positioning System (GPS) or Real Time Kinematic (RTK) coordinate</u> 	<ul style="list-style-type: none"> • <u>Site identifiers (e.g., addresses, business names, parcel numbers);</u> • <u>Topographical information (e.g., terrain area, elevation, land contour lines and boundaries, water drainage areas, soil erosion, areas with water leaks or poor insulation coverage); and</u> • <u>Functional information (e.g., 3D models of construction sites, stockpiles of raw materials, health of agricultural plots, etc.).</u>

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Commented [PHM17]: Boilerplate FIPPs.

Commented [PHM18]: Moved up to mitigations to explain differences between permissible and impermissible sharing. My formatting got a little crazy up there; sorry. Word is struggling to keep up.

7. Data Security

DOD will protect all acquired and stored data through appropriate security safeguards against risks such as loss, unauthorized access or use, destruction, modification, or unintended or inappropriate disclosure.

Video footage or photographs may potentially be shared with the following:

- The public to increase awareness and understanding of transportation improvement projects and natural disasters
- Data on natural disasters may be shared with relevant utility companies (e.g. PG&E) and partner agencies (e.g. EBMUD, Caltrans)

8. Fiscal Cost

Initial Purchase Cost

Unmanned Aerial Vehicles (UAV)/Drone

None. The Department of Transportation will not acquire UAV equipment; we will procure vendors as needed.

Commented [PHM19]: No product purchase, but what will the service cost?

Personnel Costs

There are no additional personnel costs associated with the use of vendor-owned UAVs.

Ongoing Costs

Staff will procure vendor for project photography and emergency response through a competitive process, following the City of Oakland’s contracting procedures.

Potential Sources of Funding

The ~~integrated helicopter mapping system-UAV~~ will be fully funded with grants from UASI (Urban Areas Security Initiative) and SHSGP (State Homeland Security Grant Program).

9. Third Party Dependence

Data will be collected, processed, and handled stored by a third party vendor who will share images and video footage exclusively with the relevant Department of Transportation staff. All data collected by or on behalf of DOD will be owned by the City of Oakland, which will be accountable for ensuring that the vendor adheres to all data use and handling principles, provides appropriate data handling training to all its employees and contractors, and that the vendor is audited regularly to demonstrate compliance with these principles and all applicable privacy protection requirements.

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10. Alternatives

Project photography: an alternative that the Department of Transportation has employed is the use of electrical services “bucket” trucks, typically used to service traffic signals. This effort has proved an unsustainable use of staff time: rather than servicing broken signals and lights, electricians are deployed to project locations to take photographs. Capacity to complete this work has been limited.

Emergency response to natural disasters: presently, Department of Transportation staff take photographs from ground level to capture impacts of natural disasters, and in certain circumstances, staff can’t fully assess the scene of a natural disaster if conditions are unsafe to enter. Further, staff might enter an area believed to be safe from visual inspection, but may realize upon entry that there are hazards beyond their initial viewpoint that may endanger their safety.

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11. Track Record

~~We believe that the City of Oakland Department of Transportation would be the first transportation department to deploy the use of UAVs for the purposes outlined above. [[INSERT CITY MATERIAL HERE, PULLING FROM <http://www.cacities.org/Policy-Avocacy/Hot-Issues/Drones> and other sources]] As of March 2018, a minority of state DOTs report deploying drones on a daily basis for purposes as varied as visually~~

documenting highway construction projects, surveying, public education and outreach, bridge inspection, and emergency response.

Commented [PHM20]: <https://news.transportation.org/Pages/NewsReleaseDetail.aspx?NewsReleaseID=1504>
HT/Brian

**FISCAL YEAR 2018 PROGRAM-FUNDED STATE AND LOCAL TASK FORCE AGREEMENT
BETWEEN OAKLAND POLICE DEPARTMENT AND
DEA TASK FORCE GROUP (OAKLAND)**

This agreement is made this 1st day of October, 2017, between the United States Department of Justice, Drug Enforcement Administration (hereinafter "DEA"), and Oakland Police Department (hereinafter "OPD"). The DEA is authorized to enter into this cooperative agreement concerning the use and abuse of controlled substances under the provisions of 21 U.S.C. § 873.

WHEREAS there is evidence that trafficking in narcotics and dangerous drugs exists in the Greater East Bay Area of California and that such illegal activity has a substantial and detrimental effect on the health and general welfare of the people of Alameda, Contra Costa, and Solano Counties, the parties hereto agree to the following:

1. The Task Force Group (Oakland) will perform the activities and duties described below:
 - a. disrupt the illicit drug traffic in the Oakland area by immobilizing targeted violators and trafficking organizations;
 - b. gather and report intelligence data relating to trafficking in narcotics and dangerous drugs; and
 - c. conduct undercover operations where appropriate and engage in other traditional methods of investigation in order that the Task Force's activities will result in effective prosecution before the courts of the United States and the State of California.
2. To accomplish the objectives of the Task Force Group (Oakland), the Oakland Police Department agrees to detail one (1) experienced officer to the Task Force Group (Oakland) for a period of not less than two years. During this period of assignment, the one (1) Oakland Police Department officer will be under the direct supervision and control of DEA supervisory personnel assigned to the Task Force Group (Oakland).
3. The Oakland Police Department officer assigned to the Task Force Group (Oakland) shall adhere to DEA policies and procedures. Failure to adhere to DEA policies and procedures shall be grounds for dismissal from the Task Force Group (Oakland). ***Officers assigned to the Task Force shall also remain subject to OPD policies, procedures and regulations. In the event of any conflict between DEA and OPD policies and procedures, OPD officers shall observe the more restrictive policy and procedure, and refer the matter to the DEA and OPD chain of command for resolution.***
4. The Oakland Police Department officer assigned to the Task Force Group (Oakland) shall be deputized as Task Force Officers of DEA pursuant to 21 U.S.C. Section 878.
5. To accomplish the objectives of the Task Force Group (Oakland), DEA will assign eight (8) Special Agents to the Task Force Group (Oakland). DEA will also, subject to the availability of annually appropriated funds or any continuing resolution thereof, provide necessary funds and equipment to support the activities of the DEA Special Agents and the Oakland Police Department officer assigned to the Task Force Group (Oakland). This support will include: office space, office

supplies, travel funds, funds for the purchase of evidence and information, investigative equipment, training, and other support items.

6. During the period of assignment to the Task Force Group (Oakland), the Oakland Police Department will remain responsible for establishing the salary and benefits, including overtime, of the officer assigned to the Task Force Group (Oakland), and for making all payments due them. DEA will, subject to availability of funds, reimburse the Oakland Police Department for overtime payments made by it to one (1) Oakland Police Department officer assigned to the Task Force Group (Oakland) for overtime, up to a sum equivalent to 25 percent of the salary of a GS-12, step 1, (RUS) Federal employee (currently \$18,042.00), per officer. ***Note: Task Force Officer's overtime "shall not include any costs for benefits, such as retirement, FICA, and other expenses."***

7. In no event will the Oakland Police Department charge any indirect cost rate to DEA for the administration or implementation of this agreement.

8. The Oakland Police Department shall maintain on a current basis complete and accurate records and accounts of all obligations and expenditures of funds under this agreement in accordance with generally accepted accounting principles and instructions provided by DEA to facilitate on-site inspection and auditing of such records and accounts.

9. The Oakland Police Department shall permit and have readily available for examination and auditing by DEA, the United States Department of Justice, the Comptroller General of the United States, and any of their duly authorized agents and representatives, any and all records, documents, accounts, invoices, receipts or expenditures relating to this agreement. The Oakland Police Department shall maintain all such reports and records until all litigation, claim, audits, and examinations are completed and resolved, or for a period of three (3) years after termination of this agreement, whichever is later.

10. The Oakland Police Department shall comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, as amended, and all requirements imposed by or pursuant to the regulations of the United States Department of Justice implementing those laws, 28 C.F.R. Part 42, Subparts C, F, G, H and I.

11. The Oakland Police Department agrees that an authorized officer or employee will execute and return to DEA the attached OJP Form 4061/6, Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements. The Oakland Police Department acknowledges that this agreement will not take effect and no Federal funds will be awarded to the Oakland Police Department by DEA until the completed certification is received.

12. When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, the Oakland Police Department shall clearly state: (1) the percentage of the total cost of the program or project which will be financed with Federal money and (2) the dollar amount of Federal funds for the project or program.

13. The term of this agreement shall be effective from the date in paragraph number one until September 30, 2019. This agreement may be terminated by either party on thirty days' advance

written notice. Billing for all outstanding obligations must be received by DEA within 90 days of the date of termination of this agreement. DEA will be responsible only for obligations incurred by Oakland Police Department during the term of this agreement.

For the Drug Enforcement Administration:

Name: John J. Martin

Date: _____

Title: Special Agent in Charge – San Francisco Field Division

For the Oakland Police Department

SIGNATURE

Date: _____

Anne Kirkpatrick

PRINT NAME

Chief of Police

PRINT TITLE

DRAFT
Anticipated Impact Report for
Vehicle-Mounted Automated License Plate Recognition (ALPR)
for Parking Management and Enforcement

Michael P. Ford, Ph.D.
Acting Manager
Parking and Mobility Division
Department of Transportation
City of Oakland
May 1, 2018

1. Information Describing Vehicle-Mounted Automated License Plate Recognition (ALPR) and How It Works

Vehicle-mounted Automated License Plate Recognition (ALPR) technology automates the processing of vehicle license plate and compliance information. Specifically, ALPR:

- uses specially-designed cameras mounted on parking enforcement vehicles to capture digital images from surrounding vehicles as they drive through the streets;
- transforms the images into alphanumeric characters with optical recognition software;
- stores the images, plate information, and related metadata in a restricted-access database; and
- compares the transformed license plate characters to databases of license plates of interest to operators.

[To do: Include example images captured by ALPR, both parked and driving, as well as images of the user interface]

2. Proposed Purpose

City of Oakland Department of Transportation (DOT) proposes to use ALPR for parking management and enforcement purposes. Parking management includes [A and B], and parking enforcement includes [A and B]. ALPR would be integrated with a comprehensive Parking Citation solution that includes backend server processes, intersystem communication and various user interfaces ranging from authorized staff to public self-serve applications (e.g., a browser-based citation review and payment application that allows parkers to review photo evidence that may have been gathered by the ALPR system).

Specific DOT uses of ALPR technology would include:

- “Virtual chalk,” automating the time-stamping of vehicles in time-limited parking spaces and areas;
- “Digital permits,” including annual, weekly, and other limited-duration permits in parking privilege permit areas, e.g., Residential Permit Parking (RPP) areas;
- Parking payment verification, including “pay-by-phone” and “pay-by-plate”;

- “Hotlist” identification, including scofflaw and stolen vehicles;¹
- Parking demand management, including parking occupancy and turn-over counts and analysis; and
- “Smart parking” applications, including mobile apps providing parking availability and wayfinding information.

When ALPR systems are deployed for these purposes, they would be mounted on City-owned Parking Enforcement vehicles operated by Parking Control Technicians trained in proper ALPR operation. Currently, DOT is proposing to operate five ALPR systems.

3. Locations Where ALPR May Be Deployed

Time-limited parking is found throughout the City, so ALPR equipped Parking Enforcement vehicles will be deployed across all beats while focusing on commercial districts and neighborhoods with Resident Permit Parking (RPP) areas.

4. Potential Impact on Civil Liberties & Privacy

DOT recognizes that all people have an inalienable right to privacy and are committed to protecting and safeguarding this right, and

ALPR collects information from license plates of vehicles parked in public places and DOT is not proposing to track movement of individuals. However, DOT understands that the public may be concerned that the collection and analysis of this information over time could potentially be used to generate a detailed profile of an individual’s movement or abused for other inappropriate purposes.

Specifically, the Department recognizes following actual or potential public concerns.

- **Identity capture.** The public may be concerned that ALPR will capture personally identifiable information (PII) without notice or consent. Although ALPR does not independently generate information that identifies vehicle occupants, license plate information can be used to determine the registered owner. In addition, vehicle occupants or immediate surroundings (including addresses) may be pictured. As a result, it is possible that individuals with access to this data could do additional research to identify the individual.
- **Misidentification.** The public may be concerned that, if ALPR data is widely accessible and inaccurate, individuals may be misidentified as the person driving a vehicle that is violation parking rules or is a scofflaw or stolen vehicle. This could lead to improper government actions against such individuals.
- **Activity monitoring.** The public may be concerned that ALPR data will enable individuals’ behaviors to be revealed to and/or monitored by DOT or other government agencies, their partners or affiliates, companies interested in targeted marketing, and/or

¹ Vehicles with five or more outstanding citations at least 30 days old.

the public. Such concerns may include basic information about when individuals are in certain locations, as well as concerns about what government or individuals may infer from this data (i.e. marital fidelity, religious observance, or political activity). Although ALPR data is gathered from public places, this could conflict with an individual's expectation of locational privacy.

5. Mitigations

DOT will take a number of general steps to mitigate privacy concerns:

- DOT will use ALPR to support compliance with parking regulations and parking management initiatives, and will not share ALPR data with the Police Department;
- DOT will use ALPR technology according to the proposed ALPR for Parking Management and Enforcement Use Policy as well as all applicable laws, policies and administrative instructions;
- DOT has no plans or intentions of using or deploying the ALPR technology in a manner that is discriminatory, viewpoint-based, or biased via algorithm;
- DOT will tailor access and retention policies to the two categories of information collected: 1) **reads**, which are images of license plates on vehicles that are not violating parking requirements and are not stolen or scofflaw vehicles, and 2) **hits**, which are images of license plates on vehicles that are violating parking requirements or are stolen or scofflaw vehicles. An image can start out as a read, serving as a time-stamped image to mark the presence of a vehicle in a time-limited parking area. It then can become a hit, if and when a second time-stamped image determines a violation and results in a citation.
- Data with identifiable information on reads will be purged after 24 hours and accessed by authorized staff only.
- DOT will conduct annual audits of ALPR data to ensure a reasonable standard of data accuracy and to verify that operators, administrators and authorized vendors are following use policies.
- DOT will keep the public informed about planned and actual ALPR usage, as well as changes that would significantly affect privacy, civil rights, or civil liberties.

To specifically mitigate the potential or feared impacts enumerated in Section 4 of this Anticipated Impact Report, DOT or vendors acting on its behalf will also take the following actions:

- **Identity capture and/or activity monitoring.**
 - ALPRs will not collect any additional license plate information compared to information presently captured manually by DOT Parking Control Technicians.

- DOT will aim ALPR cameras downward towards the street, to the extent possible, to avoid capturing the faces of vehicle occupants or identifiable details or immediate surroundings.
- Where PII, such as faces and house numbers, is captured in still images that are retained by DOT or those acting on its behalf, that data will be obfuscated through technical means such that it is no longer identifiable or reasonably re-identifiable. PII collected by ALPRs that cannot be technically obfuscated will be used solely for the purpose(s) specified in the notice.
- **Misidentification.**
 - DOT will restrict ALPR data access to registered users, who will be properly trained and will access the ALPR database through a password-protected system.
 - As mentioned above, DOT will conduct annual audits of ALPR data to ensure a reasonable standard of data accuracy and to verify that operators, administrators and authorized vendors are following use policies.
 - The City's Parking Citation Assistance Center existing dispute process provides a mechanism for individuals who believe that their vehicle has been mistakenly identified to contest the information.
- **Activity monitoring.**
 - As mentioned above, DOT will not retain ALPR data beyond specified time periods.
 - As mentioned above, DOT will only use trained and registered users to access ALPR data.
 - As mentioned above, ALPR use will be limited to parking management and enforcement purposes. DOT and entities acting on its behalf will not share ALPR data with the Police Department, or sell the data to other third-parties.
 - Still images and metadata may potentially be shared with the following: 1) the public, to enable online search and payment of parking citations given a citation number, and 2) third-parties involved in City parking management and enforcement, including Conduent (parking citation issuance and processing solution), Paylock (ALPR scofflaw boot solution), Parkmobile (meter pay-by-phone), IPS (single-head and multi-space smart meters), and Scheidt & Bachmann (off-street parking and access control system). Outside of these planned distributions, DOT will take steps to ensure that systems and data will not be disseminated outside of DOT unless dissemination is required by law, or fulfills an authorized purpose and complies with the DOT's ALPR use policy.
 - Per DOT's ALPR use policy, DOT will make an Annual Surveillance Report describing how the technology was used.

6. Data Types and Sources

ALPR technologies are designed to capture still images of vehicles and vehicle details including:

- License plate information, including state and number;
- Wheel positions; and
- Vehicle make, model, color, and type.²

ALPR technologies are also designed to capture metadata related to the images mentioned above, including:

- Time and date of image capture;
- GPS coordinates; and
- Camera identification such as officer and vehicle/unit number.

7. Data Security

As described below (Item 7), the City relies on third-party vendors for its parking management systems. Conduent has supplied the City's parking citation issuing and processing solution for the past five years and was recently awarded a new five-year contract. In response to security requirements in the City's competitive request for quotations, Conduent made the following declaration:

"Conduent takes the security of our systems and customer data very seriously. We go to great lengths to make sure that all the proper security measures from an application, operating system, hardware, and network perspective are in place and updated regularly. Starting with our network architecture, Conduent uses a series of industry-standard firewalls and intrusion detection systems to ensure that no unauthorized access to our systems is obtained. Our team of security experts is constantly monitoring for any new security alerts and patches that need to be applied to our infrastructure (e.g., OS, hardware, and network). We also perform regular internal security audits to make sure that all system security measures are kept up to date and no new vulnerabilities exist. From an application perspective, access to our systems requires a valid user ID and password that is set to expire at regular intervals. Each user is given access to specific functions based on job role and each user's access and activity is logged for auditing purposes."

Staff will confirm that these general security measures will extend to its use of Conduent's ALPR solution. DOT commits to developing standard operating procedures that respect and build on these measures and related safeguards.

8. Fiscal Cost

Initial Purchase Cost

² Such as sedan, SUV, hatchback, pickup, minivan, van, or box truck.

DOT is seeking City Council approval through the Mid-Cycle Budget process to procure ALPR equipment for five (5) parking enforcement vehicles at a one-time cost for equipment and setup of \$338,600.

Personnel Costs

Existing DOT staff, including Parking Enforcement supervisors and Parking Control Technicians, will be trained by the City's vendor to use the ALPR system with the aim of incorporating the technology into its routine enforcement activities. Other DOT staff already dedicated to parking management initiatives will use occupancy data from the system in support of demand-responsive parking and other transportation-related initiatives.

Ongoing Costs

The annual, recurring costs of the five vehicle-mounted ALPR systems is expected to be \$28,800 payable to the vendor.

Potential Sources of Funding

With ALPR-equipped vehicles, increases in Parking Control Technician productivity are conservatively estimated to result in one additional citation per hour. Together, the five ALPR-equipped vehicles are expected to generate an additional \$500,000 in citation revenue annually.

9. Third Party Dependence

The City depends on third-party vendors to provide parking management systems including Conduent (parking citation issuance and processing solution), Paylock (ALPR scofflaw boot solution), Parkmobile (meter pay-by-phone), IPS (single-head and multi-space smart meters), and Scheidt & Bachmann (off-street parking and access control system).

The proposed ALPR solution will be sourced and supported by Conduent. In April, 2018 the City contracted with Conduent to supply a Parking Citation Management Solution, Parking Enforcement Equipment and Special Service Project. That solution is intended to integrate "key City of Oakland and third party stakeholder systems to deliver a comprehensive automated parking citation processing, including a public portal for online services, accurate processing of lockbox payments, timely production of all correspondences and collection of unpaid citation and to ensure parking enforcement equipment/handheld devices and automated license plate recognition systems are fully functional and in compliance with all specifications of the City's Request For Qualifications #13375 and Contractor's RFQ Response." The Genetec-ALPR solution is offered as an option in the new contract, which has the necessary capacity if DOT secures City Council support for its Mid-Cycle Budget proposal.

10. Alternatives

The alternatives to using the proposed ALPR solution include:

- Continuing to capture license plate images as part of the citation issue process with handhelds (this option will remain available under the new Conduent contract whether the APLR option is executed or not);
- Continuing to time-stamp vehicles in time-limited parking spaces and areas by staff typing plate information into handhelds (this option will remain under the new contract);
- Issuing permits for Residential Permit Parking (RPP) areas by using bumper stickers and hanging placards, the procurement, processing, and use of which would be relatively costly and inconvenient;
- Verifying meter payments using “pay-by-phone” and “pay-by-plate,” which would require staff to type plate information into their handhelds;
- Limiting “Hotlist” vehicle identification, including scofflaw and stolen vehicles, to those vehicles that are processed manually through handhelds;
- Continuing to conduct parking occupancy and turn-over counts and analysis in support of parking management programs intermittently and less reliably by costly consultants or, when available, student interns;

11. Track Record

The City of Oakland Department of Transportation is a new department, so it does not have a track record to report concerning its use of ALPR. However, since 2009, the Finance Management Bureau has managed and Police Service Technicians (PSTs) in the Oakland Police Department have staffed a Paylock-contracted project using ALPR to enforce scofflaw vehicles.

In addition, several cities in California have been using ALPR for years. For example, the cities of Berkeley and Sacramento have been using ALPR since 2003 and 2016, respectively.³

While this impact analysis and proposed use policy for ALPR have been developed by DOT alone, DOT staff recognize the need to work across departments to maximize the benefits of ALPR investments to parking and related operations while preserving the civil liberties and privacy of the community.

Questions or comments concerning this draft Impact Assessment should be directed to Michael Ford, Acting Manager, Parking and Mobility Division, via email at mford@oaklandca.gov or phone at (510) 238-7670.

³ See <https://www.eff.org/pages/california-automated-license-plate-reader-policies> for a list of California cities using ALPR. [FNs for Berkeley and Sacramento agreements]

SB34 (Hill)

Cal. Civ. Code

1798.90.51. An ALPR operator shall do all of the following:

- (a) Maintain reasonable security procedures and practices, including operational, administrative, technical, and physical safeguards, to protect ALPR information from unauthorized access, destruction, use, modification, or disclosure.
- (b) (1) Implement a usage and privacy policy in order to ensure that the collection, use, maintenance, sharing, and dissemination of ALPR information is consistent with respect for individuals' privacy and civil liberties. The usage and privacy policy shall be available to the public in writing, and, if the ALPR operator has an Internet Web site, the usage and privacy policy shall be posted conspicuously on that Internet Web site.
- (2) The usage and privacy policy shall, at a minimum, include all of the following:
 - (A) The authorized purposes for using the ALPR system and collecting ALPR information.
 - (B) A description of the job title or other designation of the employees and independent contractors who are authorized to use or access the ALPR system, or to collect ALPR information. The policy shall identify the training requirements necessary for those authorized employees and independent contractors.
 - (C) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
 - (D) The purposes of, process for, and restrictions on, the sale, sharing, or transfer of ALPR information to other persons.
 - (E) The title of the official custodian, or owner, of the ALPR system responsible for implementing this section.
 - (F) A description of the reasonable measures that will be used to ensure the accuracy of ALPR information and correct data errors.
 - (G) The length of time ALPR information will be retained, and the process the ALPR operator will utilize to determine if and when to destroy retained ALPR information.

1798.90.52. If an ALPR operator accesses or provides access to ALPR information, the ALPR operator shall do both of the following:

- (a) Maintain a record of that access. At a minimum, the record shall include all of the following:
 - (1) The date and time the information is accessed.
 - (2) The license plate number or other data elements used to query the ALPR system.
 - (3) The username of the person who accesses the information, and, as applicable, the organization or entity with whom the person is affiliated.
 - (4) The purpose for accessing the information.
- (b) Require that ALPR information only be used for the authorized purposes described in the usage and privacy policy required by subdivision (b) of Section 1798.90.51.

1798.90.53. An ALPR end-user shall do all of the following:

- (a) Maintain reasonable security procedures and practices, including operational, administrative, technical, and physical safeguards, to protect ALPR information from unauthorized access, destruction, use, modification, or disclosure.
- (b) (1) Implement a usage and privacy policy in order to ensure that the access, use, sharing, and dissemination of ALPR information is consistent with respect for individuals' privacy and civil liberties. The usage and privacy policy shall be available to the public in writing, and, if the ALPR end-user has an Internet Web site, the usage and privacy policy shall be posted conspicuously on that Internet Web site.
- (2) The usage and privacy policy shall, at a minimum, include all of the following:
 - (A) The authorized purposes for accessing and using ALPR information.

(B) A description of the job title or other designation of the employees and independent contractors who are authorized to access and use ALPR information. The policy shall identify the training requirements necessary for those authorized employees and independent contractors.

(C) A description of how the ALPR system will be monitored to ensure the security of the information accessed or used, and compliance with all applicable privacy laws and a process for periodic system audits.

(D) The purposes of, process for, and restrictions on, the sale, sharing, or transfer of ALPR information to other persons.

(E) The title of the official custodian, or owner, of the ALPR information responsible for implementing this section.

(F) A description of the reasonable measures that will be used to ensure the accuracy of ALPR information and correct data errors.

(G) The length of time ALPR information will be retained, and the process the ALPR end-user will utilize to determine if and when to destroy retained ALPR information.