

Memo

Date: 3/24/2021
To: Chair Alex Pedersen - Transportation & Utilities Committee
From: Saad Bashir, Chief Technology Officer
Subject: Group 4 Surveillance Impact Report (SIR) Extension Request

Purpose

Public comment and virtual public outreach were conducted amidst the pandemic in order to continue to meet ordinance-defined deadlines. The City has received feedback from the Community Surveillance Working Group, the public, and the Community Technology Advisory Board emphasizing a request for an extended public comment period for Group 4 technologies.

In an effort to answer that call and ensure completion of the SIR review process for all Master List technologies according to ordinance deadlines, we, on behalf of stakeholder departments and with concurrence with the Community Surveillance Working Group, request the retroactive SIR submission deadline be extended to September 1, 2021 from March 1, 2021. As indicated in the included revised Group 4 SIR work plan, this extension will allow for an extended public engagement process that will include an increased number of comment opportunities facilitated by the City. To accommodate this extended, 9-month engagement process, we expect to submit on behalf of the Community Surveillance Working Group a subsequent extension memo in August to coincide with the Group 4 SIR timelines included below.

Summary

In addition to accommodating the Working Group's request for additional public comment, the City's recognizes the challenges the COVID-19 pandemic brought to the completion of the Surveillance Impact Report ("SIR") review process and supports an extension request. The City's COVID-19 response have resulted in unexpected delays to SIR submissions, specifically:

- Re-prioritization of City efforts in response to COVID-19 pandemic has delayed work on non-COVID related activities, including work on SIRs.
- Social distancing requirements and *Stay Home, Stay Healthy* orders will continue through an unknown period in 2021 and preclude the City from effectively hosting in-person public engagement.

While the Governor's *Stay Home, Stay Healthy* guidelines and limitations are in place, we have used interactive, online public meeting technologies, like WebEx, to meet the Surveillance Ordinance public engagement requirements and ensure ample opportunity for community input. The revised workplan and public engagement process are included in Exhibit A, which provides a timeline for a December 31, 2021 SIR submission deadline.

Additionally, this extension allows for a longer public engagement period with more engagement events, as well as a proposed separation in the remaining Group 4 technologies to allow adequate time for both the Working Group and the public to review and provide feedback on the technologies under review.

Despite these delays in public engagement and SIR submission, work has continued on compliance efforts related to the Surveillance Ordinance, including the on-time submission of all CTO Quarterly Determination Reports, as well as collaboration with the City Auditor’s Office on the Annual Surveillance Usage Review. Additionally, during this time, the Privacy Office (on behalf of the CTO) will prepare the CTO’s September 2021 Surveillance Technology Community Equity Impact Assessment and Policy Guidance Report.

Please see a proposed timeline for continued work on this process below:

Proposed Timelines

SIR Submissions

Items	Date
Draft and Prep for Public Engagement	February 2021 – May 2021
Public Comment Period	June 2021 – August 2021
Working Group Review	August 2021 – October 2021
SIR Finalization	November 2021
Council Submission	<p>August 2021</p> <p>Note: ITD anticipates three out of the seven Group 4A technologies including Emergency Scene Cameras, Hazmat Camera, and Acyclica will be ready for Council submission.</p> <p>December 2021</p> <p>Note: The extended public engagement process and completing the review of four technologies in Group 4A and five technologies in Group 4B is a 9-month process. While December 2021 is beyond the 9/01/21 date, the nine remaining technologies in Group 4A/4B to accommodate an extended public engagement process will be ready for Council submission in December 2021.</p>

Other Compliance Deliverables

Item	Date
Q1 Determination Report	April 30, 2021
Q2 Determination Report	July 31, 2021
CTO Equity Impact Assessment	September 15, 2021
Q3 Determination Report	October 31, 2021
Q4 Determination Report	January 31, 2022

Exhibit A: SIR Status & Community Engagement Plans

SIR Status

With Group 1, Group 2, and Group 3 SIRs transmitted by the March 1, 2021 date, 14 of the 26 technologies on the Master List have been submitted to the City Council. Group 4 contains the remaining 12 technologies and requires the extension request. The Working Group will be consulted to determine the scope and timeline to finalize Group 4 SIRs, with the goal of conducting public engagement from March-August 2021. This includes a proposal (and associated revision of the Master List) to allow for a “subgrouping” of Group 4 into 4a and 4b respectively to ensure there is adequate time for review devoted to each technology without overlap between the many technologies under review.

Working Group Engagement

The Working Group plays a role in drafting an impact assessment as a part of the SIR process and will be engaged to ensure any revised timelines include the 6-8 week review time described by the Surveillance Ordinance:

At the conclusion of the public engagement period, the CTO shall share the final proposed SIR with the Working Group at least six weeks prior to submittal of the SIR to Council for approval. The Working Group shall provide its impact assessment in writing to the Executive and the City Council for inclusion in the SIR within six weeks of receiving the final proposed SIR. If the Working Group does not provide the impact assessment before such time, the Working Group must ask for a two-week extension of time to City Council in writing. If the Working Group fails to submit an impact assessment within eight weeks of receiving the SIR, the department and City Council may proceed with ordinance consideration without the impact assessment.

Public Engagement

Given the statewide orders regarding public meetings as well as social distancing guidelines for protecting public health continuing into 2021, we need to reconcile the public engagement limitations with Ordinance requirements. Specific language in the Ordinance follows:

14.18.020.C: Prior to requesting Council approval pursuant to subsection 14.18.020.A, the department must complete one or more community meetings with opportunity for public comment and written response. The Council may direct the department to conduct additional community engagement before approval, or after approval as a condition of approval. The community meeting or meetings should be accessible, be noticed in multiple languages, be held in communities impacted by the proposed acquisition, and collect information about potential disparate impacts on disadvantaged groups.

14.18.040.B.4: A description of any community engagement held and any future community engagement plans, including statistics and demographics on attendees, a compilation of all comments received and departmental responses given, and departmental conclusions about potential neighborhood and disparate impacts that may result from the acquisition.

Although there are challenges and limitations with hosting virtual public meetings, we expect to be able to satisfy the public involvement requirements of the Ordinance regarding location, inclusion of attendee demographic information, comments, answers and analysis in the SIR submission.

Additionally, per the requests from community stakeholders, we are proposing a longer public engagement period of approximately 60 days (per each subgroup), as well holding at least 2 public engagement meeting at alternating times of day to ensure opportunities for attendance.

Exhibit B: Background

The following provides detail about the Surveillance Ordinance and subsequent amendments and requests regarding the SIR deliverables:

Surveillance Ordinance

The Seattle City Council passed Ordinance 125376, known as the “Surveillance Ordinance”, to provide greater transparency to City Council and the public when the City acquires technology that meets the City’s definition of surveillance. The Surveillance Ordinance, which took effect on 9/4/2017, outlines requirements that include surveillance technology review and approval by City Council before acquisition for new technologies; Council review and approval via ordinance for existing technologies; and reporting about surveillance technology use and community impact. The Surveillance Ordinance is meant to protect the information of vulnerable populations who may not understand how information they give to the City could be used. The first two SIRs, SDOT’s CCTV and LPR cameras were approved on 9/23/2019.

2018 Surveillance Ordinance Amendment

At the March 20, 2018, Governance, Equity and Technology Council Committee meeting, Councilmember O’Brien introduced an amendment to the Surveillance Ordinance. After six months of deliberation, the amendment was passed on 9/18/2018. It established a seven-member Working Group to review the SIRs and advise Council on privacy and equity issues associated with surveillance technologies. This additional step provides the Working Group 6-8 weeks for their review of the SIR and 1-2 weeks for the CTO to incorporate or address any recommendations into the SIR documentation.

2019 SIR Format Update

At the 5/21/2019 GET Committee meeting, Councilmembers requested that a summary document be added to each SIR, with the observation that the length of the SIRs makes review for enforceable policies cumbersome. The CTO was directed to work with the Working Group to draft a format for this summary document. We have completed this work and require confirmation about the format and use of the new addition.