

# Memo

**Date:** 08/28/2020  
**To:** Chair Alex Pedersen and Members of the Transportation & Utilities Committee  
**From:** Saad Bashir, Chief Technology Officer  
**Subject:** Surveillance Impact Report (SIR) Extension Request

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## Purpose

The COVID-19 pandemic, subsequent modifications to the Open Public Meetings Act (OPMA) and associated prioritization of Information Technology and Departmental resources to respond to the emergency has resulted in significant delays in the process of completing Surveillance Impact Reports (“SIRs”). After consultation with the Transportation and Utilities Committee Chair Alex Pedersen and Central Staff, the stakeholder departments respectfully request a six-month extension to the previously identified deadline of September 1, 2020 to March 1, 2021.

This memorandum outlines both a revised workplan and public engagement process that will include online opportunities for comment. Details of the revised workplan and status of SIR reviews are provided below and included in Exhibit A.

## Summary

The City’s COVID-19 response and OPMA modifications 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.
- Governor Inslee’s executive order to limit City Council activity to non-COVID 19 related issues has resulted in a pause in considering SIR reviews and other Surveillance Ordinance compliance issues.
- Social distancing requirements and *Stay Home, Stay Healthy* orders will continue through an unknown period in 2020 and preclude the City from effectively hosting public engagement until technical solutions have been adapted to this use case.

While the Governor’s *Stay Home, Stay Healthy* guidelines and limitations are in place, we recommend that we use 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 March 1, 2021 SIR submission deadline.

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, the Privacy Office (on behalf of the CTO) is preparing the CTO’s September 2020 Surveillance Technology Community Equity Impact Assessment and Policy Guidance Report.

## Exhibit A: SIR Timeline & Community Engagement Plan

### Timeline\*

Date	Action	Status
April 30, 2020	Q1 Determination Report	Submitted; Filed with City Clerk
July 30, 2020	Q2 Determination Report	Submitted; Filed with City Clerk
September 15, 2020	CTO Equity Impact Assessment	In Progress
October 30, 2020	Q3 Determination Report	To be completed
November 1, 2020	<b>Group 2 Council Submission</b>	Group 2 SIRs are complete and ready for submission
November 1, 2020	Public Engagement: Group 3	Group 3 SIRs are complete and awaiting public engagement
December 15, 2021	Public Engagement Ends: Group 3	
January 15, 2021	<b>Group 3 Council Submission</b>	
January 15, 2021	Public Engagement: Group 4	Group 4 SIRs are in the drafting phase
Feb 15, 2021	Public Engagement Ends: Group 4	
March 1, 2021	<b>Group 4 Council Submission</b>	

\*Please note further adjustments to the timeline may be required for completion of compliance requirements.

### SIR Status

Working Group input and public engagement has been completed as part of the review of Group 2 SIRs. Group 3 SIRs have been drafted and public engagement was planned for the Summer of 2020 before the COVID-19 pandemic delayed efforts and additional work towards public engagement and Working Group input. With the extended timeline and revised plan for public engagement, we expect to move on Group 3 and prepare for Council submission as Group 2 SIRs are submitted. Lastly, the Working Group will be consulted to determine the scope and timeline to finalize Group 4 SIRs, with the goal of conducting public engagement in early 2021.

### Working Group Engagement

The delay in public engagement, limited Council activity and capacity, and Citywide reprioritization efforts have delayed the continued work on retroactive SIRs. As such, the Working Group has not had an opportunity to convene or provide their required assessment during this time.

The Working Group plays a role in the impact assessment and 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 to continue into 2020, 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.

## **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.