

**Legislative Department  
Seattle City Council  
Memorandum**

**To:** Councilmembers  
**From:** Christa Valles, Council Central Staff  
**Subject:** C.B. 117730  
**Date:** March 1, 2013

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On March 6, 2013, the Public Safety, Civil Rights, and Technology Committee is scheduled to discuss and possible vote on C.B. 117730. This legislation requires City departments to obtain Council approval prior to acquiring certain surveillance equipment. C.B. 117730 also requires Council review and approval of department protocols for operating such equipment and managing the data collected by it.

**C.B. 117730: Overview**

C.B. 117730 creates a decision framework for City departments' to acquire certain surveillance equipment. This framework entails the following:

1. Prior to acquiring certain surveillance equipment, City departments must obtain approval from the City Council.
2. When departments seek City Council approval to acquire certain surveillance equipment, they must propose operational protocols that address how the equipment and the data collected by it will be used. In addition, prior to operating the surveillance equipment, departments must propose data management protocols that address additional logistics around data retention, storage, and access.
3. If Council approves a department's request to obtain certain surveillance equipment, departments cannot use the equipment until Council has adopted operational protocols by ordinance. Council must also review the data management protocols, which it may opt to adopt by ordinance as well.
4. Departments that currently have surveillance equipment in place must propose operational and data management protocols for Council review and approval no later than 30 days after the effective date of C.B. 117730.

*Surveillance Equipment Definition*

The above requirements would only apply in cases where departments seek to obtain surveillance equipment that meets the definition of surveillance equipment in C.B. 117730, which is:

- Equipment capable of capturing and recording data, including images, videos, photographs or audio operated by or at the direction of a City department and that may deliberately or inadvertently capture activities of individuals on public or private property, regardless of whether "masking" or other technology might be used to obscure or prevent the equipment from capturing certain views.
- Includes drones or airborne vehicles and any attached equipment used to collect data.

- Does not include
  - handheld or body-worn devices
  - cameras installed in or on a police vehicles
  - cameras installed in or on any vehicle or along a public right-of-way intended to record traffic patterns and/or traffic violations
  - cameras intended to record activity inside or at the entrances to City buildings for security purposes
  - cameras installed to monitor and protect the physical integrity of City infrastructure, e.g. Seattle Public Utilities reservoirs

**Required information to develop operational and data Management Protocols**

The legislation does *not* specify the actual surveillance equipment protocols that departments must adopt. As protocols could vary by circumstance, e.g., purpose, type of equipment, location, Council will need to consider protocols on a case-by-case basis. However, once departments develop a set of protocols for certain surveillance equipment, it’s likely these protocols will be applicable for similar surveillance equipment acquired at a later date and thus, different protocols will only need to be developed for different types of equipment or for different uses of similar equipment.

C.B. 11730 does specify the type of information departments will need to submit when a request to acquire surveillance equipment is made to Council. This information includes, but is not limited to, the following:

**Information related to operational protocols**

- A. A clear statement describing the purpose and use of the proposed surveillance equipment.
- B. The type of surveillance equipment to be acquired and used.
- C. The intended specific location of such surveillance equipment if affixed to a building or other structure.
- D. How and when a department proposes to use the surveillance equipment, such as whether the equipment will be operated continuously or used only under specific circumstances.
- E. How the department’s use of the equipment will be regulated to protect privacy and limit the risk of potential abuse.
- F. A description of how and when data will be collected and retained and who will have access to any data captured by the surveillance equipment.
- G. The extent to which activity will be monitored in real time as data is being captured and the extent to which monitoring of historically recorded information will occur.
- H. A description of the nature and extent of public outreach conducted in each community in which the department intends to use the surveillance equipment.

- I. If a department is requesting to acquire or use drones or other unmanned aircraft, it shall propose the specific circumstances under which they may be deployed, along with clearly articulated authorization protocols.
- J. If more than one department will have access to the surveillance equipment or the data captured by it, a lead department shall be identified that is responsible for maintaining the equipment and ensuring compliance with all related protocols. If the lead department intends to delegate any related responsibilities to other departments and city personnel, these responsibilities and associated departments and personnel shall be clearly identified.

C.B. 117730 also requires departments to submit data management protocols prior to operating any surveillance equipment. While some information related to data access and retention is captured by the operational protocols above (see F & G). As indicated below, the data management protocols will address more specific logistical issues to ensure proper handling of the data. Council may opt to adopt these protocols by ordinance as well.

**Information related to data management protocols**

- A. The time period for which any data collected by surveillance equipment will be retained.
- B. The methods for storing recorded information, including how the data is to be labeled or indexed. Such methods must allow for the department personnel and the City Auditor’s Office to readily search and locate specific data that is collected and determine with certainty that data was properly deleted, consistent with applicable law.
- C. How the data may be accessed, including who will be responsible for authorizing access, who will be allowed to request access, and acceptable reasons for requesting access.
- D. A viewer’s log or other comparable method to track viewings of any data captured or collected by the surveillance equipment, including the date, time, the individuals involved, and the reason(s) for viewing the records.
- E. A description of the individuals who have authority to obtain copies of the records and how the existence and location of copies will be tracked.
- F. A general description of the system that will be used to store the data.
- G. A description of the unit or individuals responsible for ensuring compliance with Section 14.18.30 and when and how compliance audits will be conducted.