

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-

Introduced by Council Member

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD ADOPTING A STATEMENT OF VALUES AND COMMITMENTS TO THE COMMUNITY REGARDING UNMANNED AERIAL SURVEILLANCE SYSTEMS (UASs), WHICH BALANCE THE USE OF SUCH TECHNOLOGIES WITH COMPETING INTERESTS OF CONSTITUTIONAL RIGHTS OF PRIVACY; AUTHORIZING THE CITY MANAGER TO ISSUE ADMINISTRATIVE REGULATIONS CONSISTENT HERewith, INCLUDING BUT NOT LIMITED TO PURCHASING, DATA RETENTION, STORAGE, AND ACCESS POLICIES, THAT APPLY BROADLY ACROSS CITY OPERATIONS; AND, ADOPTING BY REFERENCE AND INCORPORATING HEREIN THE ASSOCIATED STAFF REPORT DATED JANUARY 25, 2022

WHEREAS, the City Council's Infrastructure Committee (CIC) conducted a publicly-noticed meeting on December 1, 2021, received a report from City staff and written and oral testimony from the community regarding the this proposed resolution, and the CIC now recommends adoption of the within resolution by the full City Council; and

WHEREAS, both the CIC and City Council, along with the Police Chief's Advisory Panel (CAP), have previously considered in multiple public meetings the increasingly critical role and impacts that unmanned aerial surveillance systems (UASs) play in advancing municipal objectives and delivery of important community services; and

WHEREAS, previous discussions have largely focused on the pros and cons of law enforcement's use and deployment of UASs, there remains the need for a statement of values that guide the use and deployment of technologies that advance legitimate municipal objectives while also balancing constitutional rights of privacy; and

WHEREAS, the ongoing discussion of the impact of developing and emerging new technologies in relation to City services and use of these technologies would be highlighted to the City Council in future reports.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward, as follows:

1. The City Council accepts the recommendation of the CIC and adopts the attached statement of values and commitments (EXHIBIT A);
2. The Council's statement of values and commitments is intended to balance the use and deployment of UASs with competing interests of constitutional rights of privacy;
3. The City Manager is authorized to issue administrative regulations and approve specific department operational policies consistent with the administrative regulations, this resolution, and EXHIBIT A, including but not limited to purchasing, data retention, storage, and access policies, that apply broadly across City operations, such as the Hayward Police Department, Hayward Fire Department, and the Information Technology Department; and
4. The City Manager is directed to report annually on the use and deployment of UASs and related surveillance technologies.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

ADOPTED BY THE FOLLOWING VOTE:

AYES:	COUNCIL MEMBERS:
	MAYOR:

NOES:	COUNCIL MEMBERS:
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ABSTAIN:	COUNCIL MEMBERS:
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ABSENT:	COUNCIL MEMBERS:
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ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

 City Attorney of the City of Hayward

EXHIBIT A

OUR VALUES ON SURVEILLANCE TECHNOLOGY

- The City Council finds that the use of surveillance technology may hinder the privacy of Hayward residents; and the City's acquisition, installation, and use of surveillance technology is a question of public consequence for democracy and governance;
 - The City Council recognizes the historical use of surveillance efforts 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;
 - The City Council believes that transparency is essential when the City is considering procurement and use of surveillance technology;
 - The City Council finds that it is crucial to have informed public debate about City decisions related to surveillance technology, as early as possible;
 - The City Council seeks to establish a thoughtful and transparent process regarding the procurement and use of Surveillance Technologies that carefully balances the City's interest in protecting public safety with its interest in protecting the privacy and civil rights of its community members;
 - The City Council finds that decisions regarding if and how surveillance technologies should be funded, acquired, or used, and whether data from such technologies should be shared, should not be made until meaningful public input has been solicited and given significant weight;
 - The City Council finds that 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
 - The City Council finds that, if a surveillance technology is approved, data reporting measures must be adopted that empower the City Council and public to verify that mandated civil rights and civil liberties safeguards have been strictly adhered to.
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OUR COMMITMENT ON SURVEILLANCE TECHNOLOGY

- We value your privacy. Keeping your personal information private is imperative. We consider potential risks to your privacy and the public's well-being before collecting, using, and disseminating your personal information;
- We collect and keep only what we need. We only collect information essential for providing City services and keep it only until we are legally required to. Whenever possible, we tell you when we are collecting such information;
- How we use your personal data. When possible, we will disclose to you the ways in which we use your personal information, at the time we collect it. We commit to giving you a choice, whenever possible, about how we use your information;
- We are accountable. We are responsible for managing your personal information in a manner that is consistent with our commitments and as required by law. We protect your personal information by restricting unauthorized access and by securing our computing resources from threats;
- How we share your information. We follow federal and state laws about information disclosure whenever working with outside governmental agencies and in answering Public Record Act Requests. Business partners and contracted vendors who receive or collect personal information from us or for us to deliver City services must agree to our privacy requirements; and
- Accuracy is important. We work to maintain and use accurate personal information for City business. When practical, we will work to correct inaccurate personal information. We also direct our partners and contracted vendors to follow the same guidelines.