



CITY OF GRAND RAPIDS

ADMINISTRATIVE POLICY

NUMBER: 15-03	DATE: 03-24-2015
REVISIONS:	
ISSUED BY: City Manager	SIGNED: <i>Gregory C. Sundstrom</i>

SUBJECT: ACQUISITION AND USE OF SURVEILLANCE EQUIPMENT AND SURVEILLANCE SERVICES

PURPOSE: To establish a uniform policy to be followed by City departments when acquiring surveillance equipment and services for use in City operations.

POLICY:

I. Definitions

For purposes of this policy, the following definitions shall apply:

“Data management protocols” means those procedures governing how data collected by surveillance equipment and surveillance services will be retained, stored, indexed and accessed.

“Data mining” means the computational process of discovering patterns in large data sets with the goal to extract information from data and transform it into an understandable structure for further use.

“Operational protocols” means those procedures governing how and when surveillance equipment or surveillance services may be used and by whom.

“Surveillance equipment” shall include:

- (1) equipment capable of capturing or recording data, including images, video, photographs or audio operated by or at the direction of a City department or City employee, which may deliberately or inadvertently capture activities of individuals on public or private property; and

(2) drones or unmanned aircraft and any attached equipment used to collect data.

“Surveillance equipment” shall not include:

- (1) a camera intended to record activity inside City buildings or facilities or at the entrances of City buildings or facilities;
- (2) a camera installed to monitor and protect the physical integrity of City infrastructure and City owned real property; and
- (3) surveillance equipment acquired prior to the effective date of this policy or any subsequent replacement of that surveillance equipment that does not materially change the functions or capabilities of the equipment.

“Surveillance services” means services provided to a City Department by a third party, whether public or private, that result in the acquisition of data, including information, images, video, personal or household behavioral information, photographs or audio, by the City department to be used for the purpose of monitoring, observing or analyzing individuals or groups of individuals regardless of whether such data is obscured, de-identified or anonymized before or after acquisition. Surveillance services already utilized by the City prior to the effective date of this policy shall be exempt from the requirements of this policy, unless the provider materially changes the functions or capabilities of those services.

II. Requests for Acquisition of Surveillance Equipment or Services

Any City department intending to acquire new surveillance equipment or surveillance services after the effective date of this policy shall obtain City Commission approval prior to acquisition of that equipment or service.

Any City department intending to use or deploy new surveillance equipment or surveillance services after the effective date of this policy shall obtain City Commission approval of proposed protocols for the use or deployment of such new equipment, prior to its use or deployment.

Requests to acquire new surveillance equipment or surveillance services shall be presented to the Fiscal Committee of the City Commission, at a properly noticed and posted meeting called pursuant to the provisions of the Open Meetings Act.

Operational Protocols and Data Management Protocols required by this policy shall be presented to the Committee of the Whole of the City Commission, at a properly noticed and posted meeting called pursuant to the provisions of the Open Meetings Act.

III. Operational Protocols

In requesting approval for acquisition of surveillance equipment, City departments shall include proposed protocols containing the following information for the City Commission's consideration, along with any other information specifically requested by the City Commission:

- (1) A clear statement describing the purpose and use of the proposed surveillance equipment;
- (2) The type of surveillance equipment to be acquired and used;
- (3) A description of the general location where the surveillance equipment is to be used, which shall include the type(s) of location(s) and neighborhood(s) where the equipment is to be used, but need not include the precise location where each piece of equipment is to be placed;
- (4) How and when the department proposes to use the surveillance equipment, such as whether the equipment will be operated continuously or used only under specific circumstances, and whether the equipment will be installed permanently or temporarily;
- (5) A description of privacy rights that may be affected by the installation and use of the surveillance equipment;
- (6) A mitigation plan describing how the department's use of the equipment will be regulated to protect individual privacy, to the extent reasonably practical;
- (7) A description of how and when data will be collected and retained and who will have access to data captured by the surveillance equipment;
- (8) 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;
- (9) 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 the requirements of this policy. 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;
- (10) Whether a department intends to share access to the surveillance equipment or the collected data with any other governmental entity; and
- (11) A description of the training to be provided to operators or users of the surveillance equipment.

IV. Data Management Protocols

Prior to operating surveillance equipment that is acquired after the effective date of this policy, City departments shall submit to the City Commission written protocols for managing the data collected by such surveillance equipment. These data management protocols shall address the following:

- (1) The time period for which any data collected by surveillance equipment will be retained;
- (2) The methods for storing recorded information, including how the data is to be labeled or indexed;
- (3) 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;
- (4) 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;
- (5) A description of the City personnel or departments who have authority to obtain copies of the records and how the existence and location of copies will be tracked;
- (6) A general description of the system that will be used to store the data; and
- (7) A description of the department or individuals responsible for ensuring compliance with the requirements of this policy.

V. Data Mining

Prior to conducting data mining procedures that analyze existing data in a new way, where such data mining may impinge on the privacy of an individual citizen, City Departments shall submit to the City Commission written protocols containing (A) the information required for Data Management Protocols as defined in Section IV, substituting "any products of data mining" for "data" in those protocols and (B) the following operational protocols.

- (1) A clear statement of the purpose of the proposed data mining.
- (2) A description of the privacy rights that may be affected by the data mining.
- (3) A mitigation plan describing how the data mining will be regulated to protect individual privacy to the extent reasonably possible.
- (4) A description of how and when the data to be mined has been and will be collected and retained.
- (5) A description of who will have access to the products of the data mining and with whom those products may be shared together with procedures for preventing and tracking unauthorized access.

VI. Transparency Requirements

The City shall maintain, on a website accessible to the public, a full listing of all approvals issued by the City Commission for acquisition or use of surveillance equipment or surveillance services, along with the operational and data management protocols that have been approved for such surveillance equipment or services.

The City shall also, as part of its annual fiscal plan, separately identify public funds budgeted for the acquisition of new surveillance equipment that is subject to this policy.

VII. Policy Updates and Changes

Changes to this policy shall be presented to the City Commission prior to the changes taking force and posted on the website referenced in Section V of this policy.

VIII. Exemption for Surveillance Equipment or Surveillance Services Used in Exigent Circumstances

Notwithstanding the above policy provisions, City Departments may acquire and use new surveillance equipment or surveillance services in exigent circumstances without following the provisions of this policy prior to such acquisition or use. A City Department that acquires or uses new surveillance equipment or services under exigent circumstances shall report such acquisition or use and provide Operational Protocols and Data Management Protocols to the Committee of the Whole of the City Commission within 30 days.