MEMORANDUM

DATE: February 25, 2024

FROM: City of San Diego Privacy Advisory Board

TO: The Honorable Council President Elo-Rivera and Members of the San Diego City Council

RE: San Diego Police Department Use Policies for CPClear

I.   RECOMMENDATION

The PAB recommends that the City Council approve the proposal with modifications as indicated below.

II.   REQUESTED MODIFICATIONS

The SDPD kindly provided comprehensive answers to PAB questions about this technology. The PAB recommends that content from these answers be incorporated into the Use Policy and Surveillance Impact Report as appropriate. Below we provide some more detailed guidelines, extracting information from the SDPC response and providing recommendations about placement of this information in the current documents.

Impact Report, MITIGATIONS Section. Replace the text "When a user logs in, they must choose their "Permissible Purpose" for 3 categories:" with the following: "When a user logs in, they must select one permissible purpose for each of the following three categories:"

Impact Report, MITIGATIONS Section. Voters Permissible Purpose – Our response is for "Use in connection with a non-commercial purpose." Add here something along the lines of: "There is potential voter registration information available in the underlying data. Due to this, individuals accessing the system must give the response we have indicated."

Impact Report, MITIGATIONS Section, following the numbered items 1,2,3,4, add something along the following lines: "The notification is directed at the user at the time of login. Thomson Reuters (CP Clear) stores user inputs and individual queries. Thomson Reuters can run audits upon request during any investigations of misuse by SDPD personnel, and results would be provided to Internal Affairs."

Impact Report, DATA TYPES AND SOURCES, please add information along the following lines:

> CP Clear provides six default query options that are categorized by subject. Generally, queries fall under one or multiple subjects, depending on the scope of the investigation. The six subjects are as follows:
>
> • Person
>
> • Business

- Phone

- Court

- Vehicles

- Comprehensive (Multiple Categories)

All queries made into the system by a user require a specific reference (reason) code in addition to the 3 permissible purpose elections. Generally, a crime case number or internal investigation number (i.e., IA case) is entered to justify all subsequent queries relating to the case.

Impact Report, TRACK RECORD Section, please add information along the following lines:

A "pointer system" means that the information provided in the system is not the authoritative source. Examples of information typically validated through authoritative systems would be drivers' license numbers, vehicle registrations/addresses, or cell phone numbers/providers. The information in CP Clear provides an efficient way to gather information from multiple data sources.

For the above stated reasons, the Privacy Advisory Board respectfully recommends that the City Council **approve the proposal** with the recommendations above.

Cc: SDPD Chief Nisleit
       CPT Jim Jordon
       LT. Eric Portnoy
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