



# Privacy Advisory Board

## MEMORANDUM

DATE: 17 April 2025

FROM: City of San Diego Privacy Advisory Board

TO: The Honorable Council President LaCava and Members of the San Diego City Council

RE: San Diego Fire Department's 2025 Annual Surveillance Report

### I. BACKGROUND

This recommendation is submitted pursuant to section 210.0105 of the City of San Diego Municipal Code (SDMC). It concerns two existing technologies, as reported by the San Diego Fire Department (SDFD) in its February 1, 2025, Annual Surveillance Reports, submitted pursuant to SDMC section 210.0108. The Annual Surveillance Reports addressed the SDFD's Unmanned Aircraft System (UAS) and the Mission Bay and OB Pier Urban Area Security Initiative (UASI) Camera System Surveillance Use Policy.

### II. RECOMMENDATIONS

#### Unmanned Aircraft System (UAS)

- The SDFD reports no incidents, uses, or other anomalies that appear inconsistent with this technology's previous approval..
- The PAB notes that the SDFD has initiated the process of replacing aging aircraft. It reports that it anticipates the capabilities and uses of the UAS will remain the same as approved in the SDFD Surveillance Use Policy. The PAB appreciates notification of this anticipated replacement and invites the SDFD to advise the PAB of actual or potential variances any new aircraft may have or require from the current Surveillance Use Policy or the Transparent and Responsible Use of Surveillance Technology (TRUST) ordinance. Further, PAB offers to provide the SDFD its advice or assistance in evaluating any potential variance in its Surveillance Use Policy or compliance with the TRUST ordinance should any arise because of the anticipated purchase of replacement aircraft, should the SDFD so desire.
- The PAB also commends the SDFD for conducting an internal audit of compliance with its Surveillance Use Policy.
- Regarding data breaches or unauthorized access to data collected by UAS, it was unclear from the Annual Surveillance Report whether the SDFD independently monitors for potential breaches or unauthorized access or depends solely on the City's Department of Information Technology. Given the frequency and sophistication of attempted breaches and unauthorized access, the PAB urges the SDFD's IT Department to assist in data breach and unauthorized access detection, prevention, and mitigation.

Based on the Annual Surveillance Report for UAS, the PAB **affirms its recommendation for this technology without modification to its current Surveillance Use Policy.**

#### **Mission Bay and OB Pier Urban Area Security Initiative (UASI) Camera System**

- The SDFD reports that as of February 1, 2025, the Mission Bay and OB Pier Urban Area Security Initiative (UASI) Camera System has not yet been purchased and is not operational.
- During the PAB hearing the SDFD stated that on several occasions lifeguards shared data obtained while this system was online with federal law enforcement. This is a violation of the use policy for this technology. The SDFD has acknowledged this, agrees the sharing was in violation of its use policy and has offered to add the following two paragraphs to its use policy to clarify any possible confusion:
  - The SDFD/Lifeguard Services Division will not use agency or department monies or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration purposes, in accordance with the California Government Code 7284.6 — The California Values Act.
  - As noted in the link shared from our Lifeguard Services Division page, San Diego Lifeguards are **Public Officers**, with limited powers of arrest pursuant to California Penal Code 836.5. The powers to arrest are limited to situations where a person has committed a misdemeanor in the presence of the officer or employee that is a violation of a statute or ordinance that the officer or employee has the duty to enforce (i.e. San Diego Municipal Code, Harbors and Navigation Code, Fish & Game Code).
- The PAB requests that the SDFD notify the PAB when the system is purchased, its estimate of when it will become operational, and when it becomes operational.
- The PAB also requests notification before the next annual report should any issues arise once the system is purchased or installed that may result in a variance from the technology's Surveillance Use Policy or the TRUST ordinance. The PAB also offers to provide the SDFD its advice or assistance should any potential variance arise.

Based on the Annual Surveillance Report for UAS, the PAB **affirms its recommendation for this technology with the indicated modification to its current Surveillance Use Policy.**

Cc: SDFD Chief Lozano

Lifeguard Chief Gartland

Kohta Zaiser