

San Diego Privacy Advisory Board

Minutes of Meeting – June 22, 2023

A recording of the meeting is available at <https://www.sandiego.gov/pab/meetings>

Attendance:

Six of eight appointed members were in attendance (Dr. Robert Brown was ill and missed for just cause; Taura Gentry-Kelso was absent).

Motions Made:

- Acceptance of the minutes of meeting dated May 31, 2023.
- Unanimous (all six board members at meeting) adoption of “Option 2” presented by the First Pass Review Subcommittee to REJECT the Surveillance Impact Report and Use Policy submitted in April 2023. See <https://www.sandiego.gov/pab/meetings> for a copy of the subcommittee report.

Other Matters Discussed:

- Update from the Smart Streetlights and ALPR First Pass subcommittee. Pegah Parsi provided a presentation that covered feedback from the SD Police Department and certain community professionals on actions taken by the subcommittee and information received to date.
- Presentation by TRUST SD members: See copy of presentation at <https://www.sandiego.gov/pab/meetings>
- Significant participation/comments from members of the community.
- Representatives from the San Diego Police Department were present to respond to questions from the Board members. All board members present were given time to engage in questions and responses. A few issues of note include:
 - SDPD does not feel it has any need to articulate a legal standard (e.g., probable cause, reasonable suspicion) for use of SSLs/ALPRs because of lack of reasonable expectation of privacy. Board members disagreed.
 - SDPD does not feel that the City's litigation history with regard to the 4th Amendment is relevant.
 - Board members expressed concerns about the lack of meaningful information in the proposal. That includes: who has access, who the third parties are, what data sharing protocols in place are, and what exactly the vendor does with that data, how the data is purged, and lack of serious exploration of alternatives
 - Board member concerns that the SDPD is prepared to implement the program but has not revealed potential ALPR vendors or ALPR vendors that routinely work with/integrate with Ubicquia.
 - Board is unable to provide recommendations for modifications without knowing more information about the vendor and SDPD's needs. For example, the board cannot suggest encryption standards, retention schedules, and sharing protocols without knowing the capabilities of the vendor. Nor can the PAB recommend modifications to the program design in the abstract without the SDPD agreeing to meet and discuss their needs.

- Board members noted they are happy to meet with the SDPD to help alleviate some of the remaining concerns the Board had.

/s/ LMD as Recorded for the PAB