
City of Portland
Bureau of Planning & Sustainability
Office of Equity & Human Rights

City of Portland Policy Discussion

Surveillance Policy Development

Feedback Summary – June 30, 2022 Update



Community Events Feedback Summary

Introduction

The City of Portland is hosting a series of public discussions and policy workshops to inform key policy areas for a citywide ordinance on the use of surveillance technologies throughout all city bureaus and offices. The public discussions are an opportunity for community-wide feedback on policy topics and the policy workshops are a space for community members to get to the “nuts and bolts” of the policy topic.

This presentation summarizes the feedback heard from community members as of April 27, 2022. This will be updated as public discussions and workshops continue through May 2022.

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Key Takeaways Summary



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Module 1 Public Discussion: Key Takeaways

- If technologies are exempt due to emergency or disaster situations, they should still be inventoried after the fact
- There needs to be transparency on why certain uses of surveillance tech are exempt
- The City should allocate time and resources for reporting back and engaging communities about the annual report
- The community should be part of the reporting and provide oversight over how the report is created
- Establishing an independent oversight body that includes local residents would increase public trust

Module 1 Policy Workshop: Key Takeaways

- A surveillance inventory should include any surveillance methods in which people can be identified and an explanation of the systems that are performing the identification
- A surveillance inventory should identify who is supplying technologies (including parent companies) and the costs to attain and retain them
- A surveillance inventory should identify who is collecting and keeping surveillance data and a clear justification for its use and intended purpose, and how long that data will be kept
- Bureaus and vendors should fill out a standard form of how, when, who, and why they are using surveillance technology. This information should be reported to the public in a format that is easily accessible to all community members
- Auditing and reporting on the use of surveillance technologies should be a process that involves and informs the community

Module 2 Public Discussion: Key Takeaways

- An independent body should be formed that can provide feedback and oversight on the procurement and use of surveillance technology by the public sector
- There needs to be strong community representation in any governance structure
- There needs to be time and money dedicated to building community capacity to be meaningfully involved in governance work
- Engage people in these issues in non-traditional ways such as through art and design to help make complicated topics more approachable

Module 2 Policy Workshop: Key Takeaways

- Any surveillance technology procured or used by the City should go through an assessment process that is overseen by some type of advising or governing body
- A governing body should be a mix of experts and community members, but should not include experts with conflicting interests
- A governing body should have some kind of authority to take action if needed
- A communications campaign to get the message out and educate people about this topic will go a long way to bringing new people to the table
- Involving the community in governance will take time, and investment in education and capacity-building

Module 3 Public Discussion: Key Takeaways

- A process should allow the interrogation of the philosophy behind new surveillance technology requests before selection and purchase can be approved; there is a wide range of ethical assumptions around tech and surveillance that should be clarified.
- A process should ask *“What is the need that is trying to be met with the proposal for new surveillance tech?”* and *“Does surveillance technology provide the most effective & sustainable solution to the problem, or is there a better alternative?”*
- In addition to those with expertise in surveillance technologies, privacy risk assessments should include representatives from social service sectors who can provide expertise and guidance on the community and mental health implications of new surveillance tech among disproportionately impacted BIPOC communities.



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Module 3 Policy Workshop: Key Takeaways

- Definition of surveillance should include:
 - Gathering information about thoughts, opinions, and affiliations with particular groups such as religion and political parties
 - Regarding “...designed and primarily intended to be used for”, expand the definition to encompass technology that can be used for surveillance, even if that was not its primary intent
 - Broadening the definition from Surveillance oversight to privacy oversight
 - Predictive algorithms
- Governance mission statement should:
 - Include education as a role of governance
 - Avoid being reactionary and address surveillance issues more upstream
 - Add more explicitly that data should not be held onto forever
 - Evaluate the balance of power as the role of governance expands



Module 1: Inventory, Reporting, and Oversight



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Module 1:

Inventory, Reporting, and Oversight

March 16, 2022

Public Discussion

Topics included:

1. **Inventory** of surveillance technologies. Explore how the City can build the transparency layers needed with surveillance technologies.
2. **Reporting** of the use and attainment of new and existing surveillance technologies.
3. **Oversight** of the inventory and reporting to ensure transparency, accountability, and fairness.



Module 1:

Inventory, Reporting, and Oversight

Surveillance Technologies *Inventory*

DISCUSSION: Are there certain types or uses of technologies that should be exempt from the inventory? What are technologies that are especially important to include in the inventory? What level of detail is needed in an technology inventory?



Technologies included in inventory



- Any technologies used/required to apply for public benefits, permits, facilities, etc
- Technologies used to submit information to the City (e.g. remote meeting apps like Zoom and Google)
- License plate readers, security cameras in public spaces, and drones used by any City bureau should be included
- Other public agencies and partners should be included in the inventory

Technologies exempt from the inventory



- If technologies are exempt due to emergency or disaster situations, they should still be inventoried after the fact
 - What are ways the City can remain accountable if surveillance is used in “emergency” situations?
- Need transparency on why certain uses of surveillance tech are exempt (e.g emergency situations and protests)

Module 1:

Inventory, Reporting, and Oversight

Surveillance Technologies *Inventory (Cont...)*

POLLING: How important is it to have signage to indicate that the City is conducting surveillance and the type of information being collected?

DISCUSSION: What are the considerations for why surveillance tech should or should not have signage?

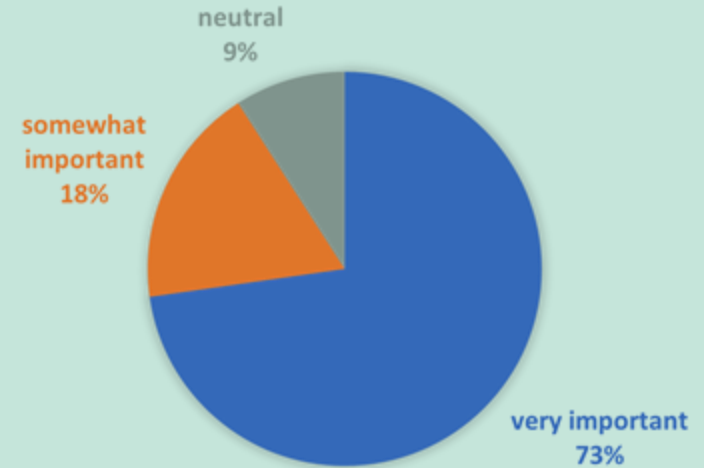


Surveillance Tech Signage



- General agreement that all security cameras in public spaces should have clear signage including City's contact info to find information about data use
- Location and readability of signage is important to allow people to opt in or out of that space, however opting out of public spaces is difficult if you are already being surveilled.

IMPORTANCE OF PUBLIC SIGNAGE IN SURVEILLANCE TECHNOLOGIES



Other notable comments



- “Any surveillance systems that can retain PII (personally identifiable information) and create a pattern of behavior or association for citizens must be identified and inventoried. This is essential because we cannot opt-out of a public surveillance system, and the threat to democratic expression is huge if patterns of association can be determined backward into the past at a future date.”

Module 1:

Inventory, Reporting, and Oversight

Surveillance Technologies *Reporting*

POLLING: Should there be annual surveillance reporting on surveillance technologies by each bureau?

DISCUSSION: What should be **included in an annual report?** (i.e. who uses it? purpose of surveillance? New surveillance ? what metrics of effectiveness?)



Module 1:

Inventory, Reporting, and Oversight

Surveillance Technologies *Reporting (Cont...)*

POLLING: Should there be exemptions for surveillance use in certain situations (for example, disasters and emergency situations, first responders)?

DISCUSSION: In what type of situations should these exemptions take place, and when should they not?

DISCUSSION: Should there be a limit to how long exemptions take place?



What should be included in annual report?



- Include where and how much surveillance technology is used by zip code and by specific communities to help identify equity issues
- Report should include justification for every use and specific info about data retention periods and why retention is necessary

Engaging communities in annual report



- The City should allocate time and resources for reporting back and engaging communities about the annual report
- The community should be part of the reporting and provide oversight over how the report is created

Pros and cons of requiring annual reporting



- Some bureau's may be less relevant to surveillance tech and may not have the ability to report due to lack of capacity
- Focus on bureaus where there would be the most harm to communities
- Find a reasonable balance in amount of reporting by bureau - heavy reporting can be an unnecessary weight, but reporting makes it harder for systems to proliferate without justification

Module 1:

Inventory, Reporting, and Oversight

Surveillance Technologies *Oversight*

POLLING: Should all City bureaus and departments be regulated equally by the ordinance?

DISCUSSION: Who should oversee the inventory and reporting and ensure the process is fair and transparent? (i.e. City Council? Auditor's office? An independent oversight body?) How can we improve public trust in oversight of inventory and reporting?



Why should bureaus be regulated equally?



- Because the public's privacy is affected by surveillance regardless of which bureau is behind the surveillance tech in use.
- It keeps privacy issues from developing in unexpected places.

Who should oversee inventory & reporting?



- Independent oversight body that includes local residents would increase public trust
- The oversight body should allow ordinary Portland residents to participate. Community should have a central role.
- City Council should approve policies for each use of surveillance tech and there should be public hearings
- Oversight should be dynamic, iterative, and routine to react quickly to a constantly changing landscape

Module 1: Inventory, Reporting, and Oversight

March 30, 2022

Policy Workshop

The policy workshop builds on what was heard during the Module 1 Public Discussion, with the goal of co-designing policy language based on community input.

Topics included:

1. **Inventory** of surveillance technologies. Explore how the City can build the transparency layers needed with surveillance technologies.
2. **Reporting** of the use and attainment of new and existing surveillance technologies.
3. **Oversight** of the inventory and reporting to ensure transparency, accountability, and fairness.



Inventory of Surveillance Technologies



- Include any methods by which people can be identified and the analysis systems to perform the identification, not just the devices
- Identify who is supplying technologies (including parent companies) and the costs to attain and retain them
- Identify who is responsible for the use data collected and clear justification for its use and intended purpose
- When replacing or decommissioning technology, provide transparency on what is happening to existing data within older systems

Reporting of Surveillance Technologies



- Quarterly to annual reporting of surveillance technologies is preferred
- Yearly audits and a town hall presentation for the public to learn report findings

Reporting of Surveillance Technologies



- Bureaus and vendors should fill out a standard form of how, when, who, and why they are using surveillance technology
- The report should include how often it's used and its return on investment
- The report should be made available to the public
- Communicate reporting in an equitable way that help people understand the findings and impacts of the system particularly for BIPOC communities

Oversight of Surveillance Technologies Reporting



- Need to ensure that decision-makers are not being pressured to approve a certain type of surveillance tech
- Users should not be auditing their own use of the technology
- Auditing could be a participatory process that involves the community
- Can there be a legal mandate to provide oversight over the reporting?



Module 2: Governance and Community Involvement



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Module 2:

Governance and Community Involvement

April 13, 2022

Public Discussion

Topics included:

1. **Governance.** The structural and operational considerations for decision making in surveillance technologies in the City of Portland.
2. **Community Involvement.** What we want community representation and involvement to look like for oversight and governance.



Module 2:

Governance and Community Involvement

Governance

DISCUSSION:

What should governance and oversight for surveillance technology look like? What authority should it have?

How should governance and oversight be implemented? How should it be structured and who should be involved?

- How can we make sure governance is equitable and fulfills its goals and responsibilities?



Governance (Cont...)



- **Form an independent body** that focuses on validating reports and accurate use of technologies
- **Allow realistic and reasonable time for public comment periods** and clear deadlines for reporting
- **Provide oversight of routine technology purchasing and procurement** including oversight on its return on investment
- **There needs to be strong community representation** in any governance structure and power to veto the use of new surveillance technologies
- **Have guidelines established** to keep governing bodies accountable
- **Oversight structure should be able to rapidly respond** to urgent and new technologies

Module 2:

Governance and Community Involvement

Community Involvement

DISCUSSION:

What community members, community leaders, and grassroots organizations should be involved in surveillance governance and oversight?

Should we have a permanent program to guide governance and oversight work?

How can we incentivize sustained community involvement, especially for underrepresented communities? How can we avoid fatigue?



Community Involvement: Question 1



- **Involve youth** to inform and engage in governance, and to mentor and learn new skills in civic engagement and policy.
- **Build community capacity** to be meaningfully involved in policy development. This includes incentivizing and compensating community members and organizations.
- **There needs to be representation for the unhoused community** who are extremely vulnerable to surveillance technologies.

Community Involvement: Question 2



- **Hold listening sessions open to the public** to hear community concerns and co-develop ways to improve structures
- **“Educating” people comes from a deficit mindset** – how can we incentivize and compensate people to help inform communities and make information more accessible?
- **Engage people in non-traditional ways** such as through art and design to help make complicated topics more approachable
 - **Street teams and guerrilla marketing** can help spark interest from people who have zero interest in policy or technology, but interest in related topics



Community Involvement: Question 3



- **Show communities what actions resulted from public input** – how do we ensure community voices have weight in decision making?
- **Align improvements with the expressed needs of underrepresented and marginalized communities** and not only with individuals who participated or the “usual suspects” in community engagement.
- **Seniors and people with disabilities are most impacted and have no voice in the process** – community leads and advocates can help with outreach
- **Reach out to undocumented populations** in a way that helps them feel safe to participate
- **Provide tech focused literacy training**
- **Build up capacity for new community leaders**
- **Use art and data visualization to help tell powerful stories** that people can resonate with
 - Plan a low barrier drop-in gallery or showcase event with opportunities to provide feedback that doesn't require any preparation or prior knowledge



Module 2:

Governance and Community Involvement

April 27, 2022

Policy Workshop

The policy workshop builds on what was heard during the Module 2 Public Discussion, with the goal of co-designing policy language based on community input.

Topics included:

1. Governance: What is the governance structure that enables effective and inclusive decision making on issues around surveillance technologies?
2. Governance: What would be the requirements for those joining a governance structure?
3. Community Involvement: What can we imagine as the most inclusive and equitable way to develop the governance of surveillance technologies?
4. Community Involvement: What type of support provided by the city is needed?



Governance



- Create and include surveillance principles in governance. Technology ages, principles don't.
- Governance should have some kind of authority to take action like inspector general or auditor if agencies don't comply.
- An oversight body might include: risk assessment specialists, technology specialists, academics that study surveillance technology, and elected or volunteer community representatives.
- An oversight body should NOT include: representatives from tech companies who might have a financial interest in selling surveillance technology to the government.

Governance (Cont...)



- Any surveillance technology procured or used by the City should go through an assessment process that is overseen by some type of advising or governing body.
- There are many good existing methods for doing technical assessments that should be reviewed.
- An assessment process should include a human rights impact assessment to understand the potential impacts on vulnerable communities.
- An assessment should include a costs/risks and benefits analysis for the entire lifecycle of a surveillance technology.
- An assessment should include reporting on the results of surveillance - how was it used and what the outcomes were. Did it have an impact on community safety?



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Community Involvement



- Don't come with a problem and ask the community to solve it in a month. Need deep relationship building and frequent loop backs.
- A communications campaign to get the message out and educate people about this topic will go a long way to bringing new people to the table.
- Work with existing orgs to tailor messaging and get buy in from community members.
- It is important to measure our progress towards our engagement goals: who did the city reach out to/collaborate with (community partners, organizations, etc.)? Who was a part of those decisions? Who/which groups weren't reached or reached as well as they could have been?



Module 3: Technologies Procurement and Privacy Impact Assessments



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Module 3:

Technologies Procurement and Privacy Impact Assessments

May 11, 2022

Public Discussion

Topics included:

1. **Technologies Procurement.** How the City decides what surveillance technologies and services to attain and vendors to contract with
2. **Privacy Impact Assessments.** What Privacy Impact Assessments do and how it can be implemented in the City



Module 3:

Technologies Procurement and Privacy Impact Assessments

Technologies Procurement and Privacy Impact Assessments

DISCUSSION:

Under what circumstances should the selection and purchase of a technology be approved?

What triggers and who conducts a privacy risk assessment?



Under what circumstances should the selection and purchase of surveillance tech be approved?



- City should define who and how the surveillance technology is intended to protect
 - “Safety for all” does not equally apply to all community members
- The most important consideration is for governing bodies to have fair, inclusive and accessible representation to mitigate bias and technologies to meet all privacy principles and standards before approval
- There is a wide range of ethical assumption to consider
- The default needs to question why the City needs the technologies and if there are other alternatives to achieve the same goal without surveilling communities - will this tech provide the most effective & sustainable solution to the problem?

What triggers and who conducts a privacy risk assessment?



- Rather than looking to surveillance tech as the solution for social and community health issues, the solution, investment, and interventions should look more upstream to address the root cause
- Social workers, mental and community health workers, esp. BIPOC serving workers, could be involved in the PRA process for more nuanced perspective to assess technologies

Module 3:

Surveillance Definition Update and Governance Mission Statement

June 8, 2022

Policy Workshop

As the last Policy Workshop event, project staff and stakeholders revisited themes about updates to the surveillance definition and draft elements of a governance mission statement.

Topics included:

1. Surveillance Definition Update: Looking at the surveillance technology definition, can you think about a surveillance technology or cases that may not be covered by it?
2. Governance Mission Statement Elements: What does this mission statement mean to you? How would you interpret these statements? What is missing?



Surveillance Definition Update



- Definition of surveillance should include:
 - Gathering information about thoughts, opinions, and affiliations with particular groups such as religion and political parties
 - Regarding “...designed and primarily intended to be used for”, expand the definition to encompass technology that can be used for surveillance, even if that was not its primary intent
 - Broadening the definition from Surveillance oversight to privacy oversight
 - Predictive algorithms
- How can we future proof technologies procured today so that they cannot become or transform into surveillance technologies in the future?

Governance Mission Statement Elements



- Case study article on what to avoid with a governance body: [\[link\]](#)
- Governance mission statement should:
 - Include education as a role of governance
 - Avoid being reactionary and address surveillance issues more upstream
 - Add more explicitly that data should not be held onto forever as a value of governance
 - Evaluate the balance of power as the role of governance expands.
 - “Second and third order effects of surveillance”. When you adopt a new surveillance technology, it expands the government's power and capacity in ways that are not always visible. When you try to evaluate them and if the government should use them, evaluate how it impacts the balance of power. It can expand the extent of government in a way that was not intended.

