

1 [Administrative Code - Approval of Surveillance Technology Policy for Multiple City
2 Departments]

3 **Ordinance approving Surveillance Technology Policy governing the use of social**
4 **media monitoring software for the following City departments: Airport; Arts**
5 **Commission; Assessor - Recorder Office; Asian Art Museum; City Administrator's**
6 **Office - 311; City Administrator's Office - Animal Care & Control; City Administrator's**
7 **Office - Central Office; City Administrator's Office - Office of Civic Engagement and**
8 **Immigrant Affairs; City Administrator's Office - Office of Transgender Initiatives; City**
9 **Planning Department; Controller's Office; Department of Building Inspection;**
10 **Department of Children, Youth, and Their Families; Department of Early Childhood;**
11 **Department of Emergency Management; Department of Homelessness and Supportive**
12 **Housing; Department of Police Accountability; Department of Public Health;**
13 **Department of Technology and SFGov/SFGovTV; Environment Department; Ethics**
14 **Commission; Human Rights Commission; Mayor's Office; Municipal Transportation**
15 **Agency; Office of Economic and Workforce Development; Port of San Francisco;**
16 **Public Utilities Commission; and Recreation and Park Department.**

17 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
18 **Additions to Codes** are in *single-underline italics Times New Roman font*.
19 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
20 **Board amendment additions** are in double-underlined Arial font.
21 **Board amendment deletions** are in ~~strikethrough Arial font~~.
22 **Asterisks (* * * *)** indicate the omission of unchanged Code
23 subsections or parts of tables.

24 Be it ordained by the People of the City and County of San Francisco:

25 Section 1. Background.

1 (a) Terms used in this ordinance shall have the meaning set forth in Administrative
2 Code Chapter 19B ("Chapter 19B"). In particular, Section 19B.1 defines "Department" broadly
3 to include, with certain limitations not relevant here, "any City official, department, board,
4 commission, or other entity in the City."

5 (b) Chapter 19B regulates City Departments' acquisition and use of Surveillance
6 Technology. Under Section 19B.2, a Department must obtain Board of Supervisors approval
7 by ordinance of a Surveillance Technology Policy before: (1) seeking funds for Surveillance
8 Technology; (2) acquiring or borrowing new Surveillance Technology; (3) using new or
9 existing Surveillance Technology for a purpose, in a manner, or in a location not specified in a
10 Surveillance Technology Policy ordinance approved by the Board in accordance with Chapter
11 19B; (4) entering into agreement with a non-City entity to acquire, share, or otherwise use
12 Surveillance Technology; or (5) entering into an oral or written agreement under which a non-
13 City entity or individual regularly provides the Department with data or information acquired
14 through the entity's use of Surveillance Technology.

15 (c) Under Chapter 19B, the Board of Supervisors may approve a Surveillance
16 Technology Policy ordinance under Section 19B.2 only if: (1) the department seeking Board
17 approval first submits to the Committee on Information Technology (COIT) a Surveillance
18 Impact Report for the Surveillance Technology to be acquired or used; (2) based on the
19 Surveillance Impact Report, COIT develops a Surveillance Technology Policy for the
20 Surveillance Technology to be acquired or used; and (3) at a public meeting at which COIT
21 considers the Surveillance Technology Policy, COIT recommends that the Board adopt, adopt
22 with modification, or decline to adopt the Surveillance Technology Policy for the Surveillance
23 Technology to be acquired or used.

24 (d) Under Section 19B.4, the City's policy is that the Board of Supervisors will approve a
25 Surveillance Technology Policy ordinance only if the Board determines that the benefits of the

1 Surveillance Technology the ordinance authorizes outweigh its costs, that the Surveillance
2 Technology Policy ordinance will safeguard civil liberties and civil rights, and that the uses and
3 deployments of the Surveillance Technology under the ordinance will not be based upon
4 discriminatory or viewpoint-based factors or have a disparate impact on any community or
5 Protected Class.

6
7 Section 2. Surveillance Technology Policy Ordinance for Multiple Departments.

8 (a) Purpose. The City Administrator's Office is seeking Board of Supervisors
9 authorization under Section 19B.2 of a Surveillance Technology Policy for social media
10 monitoring software that will be used by the following City departments: (1) Airport; (2) Arts
11 Commission; (3) Assessor – Recorder Office; (4) Asian Art Museum; (5) City Administrator's
12 Office – 311; (6) City Administrator's Office – Animal Care & Control; (7) City Administrator's
13 Office – Central Office; (8) City Administrator's Office – Office of Civic Engagement and
14 Immigrant Affairs; (9) City Administrator's Office – Office of Transgender Initiatives; (10) City
15 Planning Department; (11) Controller's Office; (12) Department of Building Inspection; (13)
16 Department of Children, Youth, and Their Families; (14) Department of Early Childhood; (15)
17 Department of Emergency Management; (16) Department of Homelessness and Supportive
18 Housing; (17) Department of Police Accountability; (18) Department of Public Health; (19)
19 Department of Technology and SFGov/SFGovTV; (20) Environment Department; (21) Ethics
20 Commission; (22) Human Rights Commission; (23) Mayor's Office; (24) Municipal
21 Transportation Agency; (25) Office of Economic and Workforce Development; (26) Port of San
22 Francisco; (27) Public Utilities Commission; and (28) Recreation and Park Department
23 (collectively, the "Departments"). Social media monitoring software allows the Departments to
24 communicate with members of the public about City services on platforms which the public
25 already uses and makes using social media more efficient and effective for City staff.

1 (b) Surveillance Impact Report. The Departments submitted to COIT a Surveillance
2 Impact Report for social media monitoring software. A copy of the Surveillance Impact Report
3 is in Board File No. 231109, and is incorporated herein by reference.

4 (c) Public Hearings. On June 8 and 15, 2023, COIT and its Privacy and Surveillance
5 Advisory Board ("PSAB") conducted a total of two public hearings at which they considered
6 the Surveillance Impact Report and developed a Surveillance Technology Policy for social
7 media monitoring software for the Departments. A copy of the Surveillance Technology
8 Policy, Social Media Monitoring Software for the Departments (the "Social Media Monitoring
9 Software Policy") is in Board File No. 231109, and is incorporated herein by reference.

10 (d) COIT Recommendation. On June 15, 2023, COIT voted to recommend the Social
11 Media Monitoring Software Policy to the Board of Supervisors for approval.

12 (e) Findings. The Board of Supervisors hereby finds that the benefits of the Social
13 Media Monitoring Software Policy outweigh the costs and risks; that the Social Media
14 Monitoring Software Policy will safeguard civil liberties and civil rights; and that the uses and
15 deployments of social media monitoring software, as set forth in the Social Media Monitoring
16 Software Policy, will not be based upon discriminatory or viewpoint-based factors or have a
17 disparate impact on any community or Protected Class.

18 (f) Approval of Policy. The Board of Supervisors hereby approves the Social Media
19 Monitoring Software Policy under which the Departments may possess and use social media
20 monitoring software for the purposes and use set forth in the Social Media Monitoring
21 Software Policy.

22
23 Section 3. Effective Date. This ordinance shall become effective 30 days after
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
25

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

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4 APPROVED AS TO FORM:
5 DAVID CHIU, City Attorney

6 By: /s/ Kate G. Kimberlin
7 KATE G. KIMBERLIN
8 Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 231109

Date Passed: December 12, 2023

Ordinance approving Surveillance Technology Policy governing the use of social media monitoring software for the following City departments: Airport; Arts Commission; Assessor - Recorder Office; Asian Art Museum; City Administrator's Office - 311; City Administrator's Office - Animal Care & Control; City Administrator's Office - Central Office; City Administrator's Office - Office of Civic Engagement and Immigrant Affairs; City Administrator's Office - Office of Transgender Initiatives; City Planning Department; Controller's Office; Department of Building Inspection; Department of Children, Youth, and Their Families; Department of Early Childhood; Department of Emergency Management; Department of Homelessness and Supportive Housing; Department of Police Accountability; Department of Public Health; Department of Technology and SFGov/SFGovTV; Environment Department; Ethics Commission; Human Rights Commission; Mayor's Office; Municipal Transportation Agency; Office of Economic and Workforce Development; Port of San Francisco; Public Utilities Commission; and Recreation and Park Department.

November 27, 2023 Rules Committee - RECOMMENDED

December 05, 2023 Board of Supervisors - PASSED ON FIRST READING

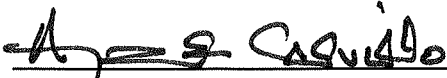
Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

December 12, 2023 Board of Supervisors - FINALLY PASSED

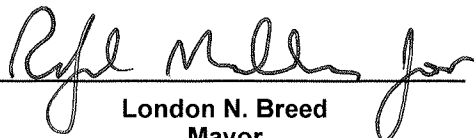
Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 231109


I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
12/12/2023 by the Board of Supervisors of
the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



London N. Breed
Mayor



Date Approved