



City of Cambridge

Executive Department

LOUIS A. DePASQUALE
City Manager

LISA C. PETERSON
Deputy City Manager

December 9, 2019

To the Honorable, the City Council:

Re: Surveillance Use Policy and Related Documents

Pursuant to the Surveillance Technology Ordinance, Chapter 2.128 of the Cambridge Municipal Code (the “Ordinance”), I am submitting the following to the City Council for review and discussion at the December 9, 2019 Council Meeting:

- A proposed **Surveillance Use Policy**, which has been approved by the City Solicitor and the City Manager and requires Council approval;
- **Surveillance Technology Impact Reports**, describing Surveillance Technologies which are subject to the Ordinance, which require Council approval; and
- An **Annual Surveillance Report** compiled from Department-specific Annual Surveillance Reports concerning the Surveillance Technologies used by those City departments since December 10, 2018, which requires Council approval.

The Law Department, the City Manager’s Office, the Information Technology Department, the Police Department and all other City departments have worked to complete these materials for submission to the City Council. Since this is my first submission to the City Council under the Ordinance, I am also providing background information on the compliance process which the City Council may find helpful.

Background

The Ordinance was adopted by the City Council on December 10, 2018, after extensive work between the City Council, the American Civil Liberties Union of Massachusetts (“ACLU”), Cambridge residents, and City staff. The Ordinance regulates Surveillance Technology that may be acquired or used by the City and balances the right to privacy with the need to promote and ensure safety and security. The Ordinance also provides for informed public discussion about Surveillance Technologies and any impacts they have on the civil rights and liberties of individuals, communities and groups in the City.

Surveillance Ordinance Requirements

The Ordinance addresses the following key components:



- A **Surveillance Use Policy**, applicable to each City department that possesses or uses Surveillance Technology or foresees doing so in the near future. The Surveillance Use Policy must be approved by the City Solicitor and the City Manager and submitted by the City Manager to the City Council for review and approval.
- **Surveillance Technology Impact Reports**, which relate to specific Surveillance Technologies, must be submitted by the City Manager to the City Council before the City seeks funds for or acquires Surveillance Technology, uses Surveillance Technology in a way not previously approved by the City Council, or enters into an agreement to share Surveillance Technology or the Surveillance Data it gathers with a non-City entity.
- An **Annual Surveillance Report**, submitted by the City Manager to the City Council, pertaining to each City department whose use of Surveillance Technology has been previously approved by the City Council in the past year. The first Annual Surveillance Report is due to the City Council by December 10, 2019. In 2020, and annually thereafter, the Report is due by March 1.
- The **City Council must hold a meeting** by May 31 of each year to discuss the City's Annual Surveillance Reports and must also release a public report summarizing the Surveillance Technology Impact Reports received by the City Council during the prior year.

Timing & Content of the Attached Surveillance Use Policy and Reports

The Ordinance requires the City Manager to submit a proposed Surveillance Use Policy within 180 days after its effective date. The Ordinance took effect on September 10, 2019. Therefore, a proposed Surveillance Use Policy is due to be submitted to the City Council by March 8, 2020. Because the first Annual Surveillance Report, which is due to the City Council by December 10, 2019, assumes the existence of a Surveillance Use Policy, I am transmitting a proposed Surveillance Use Policy at this time, along with the Surveillance Technology Impact Reports and Annual Surveillance Report, for the Council's review and approval.

- Specifically, the proposed **Surveillance Use Policy** includes the following five (5) appendices:
 - Appendix A—a form for City departments' internal report to the City Solicitor of technologies that may be Surveillance Technology as defined in the Ordinance.
 - Appendix B—a Surveillance Technology Impact Report form.
 - Appendix C—an Annual Surveillance Report form.
 - Appendix D—a Technology-Specific Surveillance Use Report form.
 - Appendix E—a checklist for City departments and Compliance Officers to use as a guide when completing the above-referenced forms.
- The attached **Surveillance Technology Impact Reports** completed by City departments relate to existing Surveillance Technology covered by the Ordinance. Therefore, the dates and costs listed are the original deployment dates and known costs.
- As this is the first submission of an Annual Surveillance Report under the Ordinance, the attached **Annual Surveillance Report** for this year to date does not include information

regarding complaints about Surveillance Technology or about violations of the Surveillance Use Policy.

Department Compliance Process

For each Surveillance Technology that was determined to be subject to the Ordinance, Department Heads were asked to review and confirm the applicability of the Ordinance to such Surveillance Technologies, complete a Surveillance Technology Impact Report, and complete an Annual Surveillance Report. The Law Department, the City Manager's Office, and the IT Department worked with each department to review all technologies that potentially fall under the Ordinance and to ensure that each department's submission was complete.

Continued Compliance

The City Solicitor will coordinate further trainings to ensure continued compliance with the Surveillance Ordinance:

- **Compliance Officers.** Each Department that currently possesses Surveillance Technology and any Department that seeks to acquire Surveillance Technology in the future must designate a Compliance Officer. As further explained in the Surveillance Use Policy, the Compliance Officer will oversee record-keeping within their department in order to ensure that the department complies with the Ordinance and the Surveillance Use Policy.
- **Training.** The Law Department has held several meetings with other City departments in order to familiarize City staff with the provisions of the Ordinance, the proposed Surveillance Use Policy, and the types of Surveillance Technologies that must be reported to the City Council under the Ordinance. I will continue to work with City departments to continue training about the Ordinance and the Surveillance Use Policy for City staff.

I respectfully request that the City Council approve the attached proposed Surveillance Use Policy as well as the Surveillance Technology Impact Reports and the Annual Surveillance Report that I have also submitted herewith.

I look forward to reviewing these documents in detail with you at the December 9, 2019 City Council meeting and to answering any questions you may have.

Sincerely,

Louis A. DePasquale
City Manager

Enclosures