Privacy and 19B in San Francisco

Last Updated: November 1, 2024

What is the 19B Ordinance?

Administrative Code Chapter 19B is a local San Francisco law which requires all city and county departments to create a Surveillance Technology Policy for any surveillance technology they procure. The link to the full text of the ordinance is below:

https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_admin/0-0-0-47320

What is the process for a surveillance technology to get an approved Surveillance Technology Policy?

1. A department identifies technology as surveillance technology, according to the 19B Ordinance definition.
2. Committee on Information Technology (COIT) staff enters the technology in the [Surveillance Technology Inventory](#) as an item requiring a Surveillance Technology Policy.
3. COIT staff contacts the department deploying the technology to agree on a schedule for the technology to be presented at the first of three public meetings (the "PSAB" meeting).
4. Department staff completes a Surveillance Technology Toolkit in LogicGate. The Toolkit form collects information about the technology by asking questions which correspond with ordinance requirements for the Surveillance Technology Policy ("STP") and the supplemental Surveillance Impact Report ("SIR"). Once the department completes the Toolkit, departments can generate these two documents using the LogicGate platform.
5. COIT staff and a PSAB working group review the STP and SIR documents and provide comments to the department to ensure these documents are thorough, complete and address all required categories in the Ordinance prior to public review.
6. The department presents the STP and SIR at a meeting of the [Privacy and Surveillance Advisory Board](#) (otherwise known as the "PSAB" meeting), which is the first public meeting in the approval process. PSAB is a subcommittee of COIT comprised of seven city and county employees with an expertise in technology as well as one public member with technology and law expertise. The members of the PSAB board may ask questions after the department presentation. Members of the public may also comment on the policy. After public comment is taken, the PSAB board members vote on whether to recommend, recommend with changes or to ask the department to return.
7. If the PSAB board votes to recommend or recommend-with-changes – the STP and SIR moves to the [Committee on Information Technology Meeting](#) (otherwise known as the "COIT" meeting), which is the second public meeting in the process. The COIT Board includes 16 city and county employees with a leadership role in technology for their departments as well as two public members with technology and law expertise. The COIT members may ask questions after the department presentation. Members of the public may also comment on the policy. After public comment is taken, COIT votes on whether to recommend, recommend with changes or to ask the department to return.
8. If COIT votes to recommend or recommend-with-changes, department may then introduce an ordinance approving the STP and SIR to the Board of Supervisors (BOS).

Departments will now work with their own legislative teams and/or City Attorney to introduce their policies directly to the Board for approval. While COIT staff does not manage the introduction and hearing process, COIT staff will provide a recommendation letter for department's file, as may be available to present <u>on the recommendation</u> at department's BOS hearing, if needed.

Items that must be included in department's legislative packet:
- Legislation for the policy
- a Legislative Digest
- a Recommendation Letter from COIT on behalf of the department
- the Surveillance Technology Policy
- the Surveillance Impact Report

9. Department staff submits the legislative materials to the Board of Supervisors. There is a 30-day period from submission of these documents to when the department can present on their STP and SIR at the BOS Rules Committee.
10. Department staff presents on their STP and SIR to the BOS Rules Committee. COIT staff is available to attend the Rules Committee meeting to answers questions on process, while department staff should be ready to answer questions on the content of their policy. The Rules Committee votes whether to bring the STP and SIR to a full BOS vote.
11. The full BOS votes on whether or not to approve the STP and SIR for the first time.
12. The full BOS votes on whether or not to approve the STP and SIR for the second time – at this second vote, the STP is now law which governs the department's use of the technology.
13. The Mayor has ten days to sign the ordinance approving the STP and STIR. The process is now final.

What does my department need to do after a Surveillance Technology Policy gets approved?

After BOS approval of a STP, the department must complete an Annual Surveillance Report on their surveillance technology. This report is due 12 months after initial Board approval in the first year and on November 1 in each subsequent year. COIT staff administers this process and will communicate with the previously designated department staff about the annual process for any important steps.