

San José Privacy Principles

SUMMARY

The Privacy Principles were the first step in building a centralized Privacy Policy that safeguards the public's trust in the City's use of technologies that could identify and/or store personally identifiable information. The Privacy Principles served as the "north star" that guided the development of San José's first ever detailed Privacy Policy, which was initially approved by City Council on December 8th, 2020 and went into effect on July 1st, 2021. ¹

BACKGROUND

In May 2018, the City engaged and received pro-bono guidance from the Harvard Cyberlaw Clinic (Harvard), part of the Berkman Klein Center for Internet & Society, to shape a strong approach to privacy in the City's adoption of new and data-centric technologies. Harvard's recommendations were to:

1. Develop a set of Privacy Principles through a combination of community engagement and subject matter expertise. The Harvard team noted that the privacy landscape is changing and that no true standard has emerged for communities to follow.
2. Use the Privacy Principles to develop a Privacy Policy for the City. The Harvard team noted that while few Cities in the United States have developed both privacy principles and privacy policy, there is a need for such policy to guide still-emerging uses of identifying technologies and data, as well as, due to inaction by the Federal Government.

The City applied Harvard's recommendation and established a three-pronged approach to create and vet its Privacy Principles. The following actions were taken to advance this work:

1. Creation of a Privacy Working Group. The Privacy Working Group is comprised of senior, cross-departmental staff from the City organization, and receives and integrates input from public forums and the Privacy Advisory Taskforce.
2. Creation of a Privacy Advisory Taskforce. The Privacy Advisory Taskforce meets quarterly with eight (8) members as subject-matter experts from industry, nonprofits, and academia. Members provide guidance on the City's approach and the Privacy Principles.

¹ Link to council memo and attachments here:

<https://sanjose.legistar.com/LegislationDetail.aspx?ID=4700505&GUID=D2CE2587-F29F-4807-AB58-DB0E6B50A4F1&G=920296E4-80BE-4CA2-A78F-32C5EFCF78AF&Options=&Search=>

3. Engagement with the Community. Community input was gathered through a series of stakeholder interviews and public forums conducted in English, Spanish, and Vietnamese.

The City of San Jose's Privacy Working Group used a combination of expert knowledge and public input to develop the Privacy Principles which are intended to guide City policies regarding how the City provides services through the collection, management, retention, and sharing of data.

THE CITY OF SAN JOSE'S PRIVACY PRINCIPLES

The Privacy Principles are the following:

- **We value privacy** - We affirm that privacy is an inherent human right. San Jose commits to fully evaluating risks to your privacy before collecting, using, or sharing your information.
- **We collect only what we need** - We collect only what is required to provide and improve City services and comply with the law. We seek community input about what information is used and collected.
- **We are open and transparent** - We are transparent about what information we collect, why we collect it, and how it is used. We commit to being open about our actions, policies, and procedures related to your data. We make our policy documents publicly available and easy to understand.
- **We give you control over your data** - We will provide you with the information to make an informed decision about sharing your data. We have clear processes that ensure data accuracy and provide you visibility into what data the City has collected from you.
- **We share only what we need** - We anonymize your information before we share it outside the City, except in very limited circumstances. Business partners and contracted vendors who receive or collect personal information from us or for us to deliver City services must agree to our privacy requirements.
- **We design for privacy and security** - We integrate privacy and security into our designs, systems, and processes. We commit to updating our technology and processes to effectively protect your information while under our care. We follow strict protocols in the event your information is compromised.

ADDITIONAL DOCUMENTATION AND INFORMATION

Additional detail on the City's Privacy Principles, including an analysis on the wide range of perspectives, needs, and concerns regarding privacy-specific local government operations and services, can be found in the City Council Memorandum² and Resolution³ for the City Council Meeting on September 17th, 2019.⁴

²Download link: <https://sanjose.legistar.com/View.ashx?M=F&ID=7687795&GUID=9B76E360-5EBB-4EA5-81D5-1FAAFD6C19FF>

³Download link: <https://sanjose.legistar.com/View.ashx?M=F&ID=7687349&GUID=3771D483-2949-4C7E-931E-C92FC00D4C24>

⁴ Link to Privacy Principles item for this meeting:
<https://sanjose.legistar.com/LegislationDetail.aspx?ID=4123701&GUID=C04F704C-B022-404D-8836-5DA8B63CCCB9&Options=&Search=>