

Privacy proposal for Monterey and Curtner “Vision Zero” traffic safety monitoring

Developed by the City of San José. For questions contact digitalprivacy@sanjoseca.gov

Context: The intersection between Monterey Rd and Curtner Ave has been the site of 3 fatal hit and run accidents in the past year. None of these accidents have a suspect due to the lack of witnesses or evidence. To reduce future accidents, the City is exploring preventative measures like installing traffic fencing or barriers or adjusting traffic light timings. To increase accountability of major vehicle crimes like hit and runs, the City plans to record traffic video around the intersection.

Purpose: To better monitor the intersection, identify future hit and run suspects, and ultimately increase the safety for pedestrians and drivers at this intersection. This project would focus on violent vehicle crimes and would not be used to generate minor crimes like traffic violations or graffiti.

Data collected: high definition (1080p or 720p) video footage recorded 24/7. This footage would be processed to automatically identify car license plates, car features (make, model, color, etc.) and potential incident information, such as if an accident or potential accident is detected. Footage would be collected from all angles of the intersection, and would include the area surrounding the intersection.

Data usage: Information recorded from these systems would be used in support of resolving violent crimes such as hit and runs, fatal accidents, and accidents leading to serious harm to one’s body or property. Additionally, license plate information along with camera footage may be used in support of other major crimes including human trafficking, sexual assault, and car robbery if such crimes were found to have occurred near or around the intersection. Recorded data may also be used to guide improvements for intersection and surrounding traffic conditions (adding signs, removing debris, etc.).

Data *would not* be used to support the resolving or prevention of minor crimes including drug-related offenses, red-light and other traffic violations, graffiti, etc. Data would not be used for automated facial recognition or for automated decision making without human input and oversight.

Live footage may be monitored by City departments, but any data recorded from monitoring (including written material generated from monitoring) must follow the data usage protocol outlined above.

Data retention: The following retention policies would be practiced until other guidance is provided by the City, State or Federal government:

1. Video would be stored for 1 year in accordance with CA GC 34090.6
2. Non-video data would be stored for 2 years in accordance with CA GC 34090

Regardless of the above policies, data used in a claim or pending litigation would be kept until litigation is resolved + ~10 years in accordance with the City’s retention schedule. Years vary by litigation type.

Access to the data: City departments and select partners may have access to the data to meet the data usage outlined above. Partners can only use the data as directed by the City (e.g., to identify a license plate) and cannot sell, share, or use the data beyond what is required for the City’s purposes. The public may be able to access anonymized portions of the data through a CA Public Records Act Request.

Notice: The public would be made aware that the cameras are recording to identify major vehicle accidents via signs visible from all directions of the intersection.