



# City of Palo Alto

## City Council Staff Report

(ID # 11666)

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**Report Type: Action Items**

**Meeting Date: 11/2/2020**

**Summary Title: Construction Cameras & Parking Guidance System  
Surveillance Policy Approval**

**Title: Approval of a Surveillance Policy for and use of Construction Cameras at the California Avenue Parking Garage and Highway 101 Pedestrian/Bicycle Overpass Construction Projects, and of a Surveillance Policy for and use of a Parking Guidance System, in Accordance With the Surveillance and Privacy Protection Ordinance (Continued From September 21, 2020)**

**From: City Manager**

**Lead Department: Public Works**

### **Recommendation**

Staff recommends that Council:

1. Approve the surveillance policy and use of the construction video cameras for the California Avenue Parking Garage and Highway 101 Pedestrian/Bicycle Overpass construction projects, which will be used to share progress on the construction with staff and residents and create a time-lapse video at the end of each project; and
2. Approve the surveillance policy and use of a parking guidance system (PGS) for the California Avenue Parking Garage and future installations at other City-owned parking garages and lots.

### **Updates to Report**

These surveillance policies were included on the City Council consent agenda for September 21, 2020. Council members DuBois, Kou, and Filseth asked for them to be discussed as an action item at a future date. Staff has since strengthened the policy for the parking guidance system to clarify that personally identifiable information, such as license plates, will not be processed or retained by the system and to specify the City staff classifications that will have access to the data.

### **Background**

In September 2018, Council adopted a [Surveillance and Privacy Protection Ordinance](#) outlining

procedures and reporting requirements for protecting personal privacy and use of surveillance technologies ([SR #8834](#)). The ordinance addresses technologies of concern today while allowing for the inclusion of new surveillance technologies that may be developed in the future. The ordinance also establishes a reporting and approval process that increases transparency without compromising public safety, limiting local control, or requiring additional resources.

### **Discussion**

In December 2018, Council approved a construction contract with Swinerton Builders for the new California Avenue Garage project ([SR #9688](#)). The contract included the procurement and installation of a webcam to document day-to-day construction progress of the garage project. At the time, staff determined that the construction webcam did not constitute a surveillance technology under the surveillance and privacy protection ordinance, and that PAMC §2.30.680(c)(1) excludes any technology that collects information exclusively on or regarding City employees or contractors. After reviewing screenshots of the footage, it was determined there is a potential for the camera to capture images of non-employees/non-contractors. Similarly, the construction camera for the Highway 101 bike bridge was purchased and installed at the beginning of that construction project. In accordance with the surveillance ordinance, an evaluation of the construction camera technology is provided below, and a policy relating to the construction cameras was developed and is provided at Attachment A.

Additionally, procurement and installation of a parking guidance system was included in the construction contract for the California Avenue Garage project. The Indect Parking Guidance System uses camera-sensor technology to identify which parking spaces are vacant or full. However, the system is capable of capturing license plate information, and accordingly, an evaluation of the parking guidance system technology is provided below. A policy relating to the system was developed and is provided in Attachment B, with the City's use of the system limited to parking guidance only without reading license plates.

Per the ordinance, "surveillance technology" means any device or system primarily designed and used or intended to be used to collect and retain, audio, electronic, visual, location, or similar information constituting personally identifiable information associated with any specific individual or group of specific individuals, for the purpose of tracking, monitoring or analysis associated with that individual or group of individuals. Examples of surveillance technology include but are not limited to; drones with cameras or monitoring capabilities, automated license plate readers, closed-circuit cameras/televisions, cell-site simulators, biometrics-identification technology, and facial recognition technology.

The ordinance requires at a minimum the following information to be provided:

- A detailed description of the technology with an explanation of how it works and what information it captures;
- Statutory and/or regulatory rules governing use of the technology;
- Measures that will be taken to protect private information;
- How data will be managed and retained; and,

- Existing and/or recommended City administrative policies and procedures regarding use of the technology and the information it produces.

### Surveillance Evaluation – Construction Cameras

1. A description of the surveillance technology, including how it works and what information it captures
  - a. The California Avenue Parking Garage project construction webcam (Oxblue <https://www.oxblue.com/>) and the Highway 101 Pedestrian/Bicycle Overpass construction webcam (EarthCam <https://www.earthcam.net/>) capture real-time imagery of the construction sites for progress monitoring and creation of time-lapse videos.
2. Information on the proposed purpose, use and benefits of the surveillance technology
  - a. The purpose is to monitor the garage construction progress and ultimately create a time-lapse video of the work to share progress on the construction projects with staff and residents. The benefits of this are to capture key milestones and keep stakeholders up to date as the projects progress.
3. The location where the surveillance technology may be used
  - a. The camera is positioned on top of the building at 385 Sherman Avenue with a wide view of the California Avenue Parking Garage construction site at 350 Sherman Avenue.
  - b. The camera is attached to a street light pole on East Bayshore Road, north of the Highway 101 Pedestrian/Bicycle Overpass project site with a wide view of the construction site.
4. Existing federal, state, and local laws and regulations applicable to the surveillance technology and the information it captures; the potential impacts on civil liberties and privacy; and proposals to mitigate and manage any impacts
  - a. There are no known federal, state, local laws, and regulations other than the City's Surveillance Technology ordinance and the Public Records Act. Data from the construction cameras may constitute public records subject to disclosure, and, where retained, will be retained per the City's records retention policy.
  - b. Regarding the potential impacts on civil liberties and privacy, it is possible that the camera will capture images of non-employees/non-contractors.
  - c. Mitigation of the potential of the camera to capture images, as immediately above, shall be accomplished by the location of the camera such that it is hard to convey any personally identifying features. The camera only posts images every 15 minutes. This further obfuscates the exact public activities taking place in the photos. There are no technologies available to prevent digital copying of the posted website images.
5. The data will be managed and retained on the California Avenue Parking Garage and

Bike Bridge project websites and stored on the City's servers. The time-lapse video is also stored in the vendors' cloud-based data storage indefinitely and can be removed at any time if requested by the City. The policy requires staff to request removal upon completion of the projects.

6. Existing and or recommended City administrative policies and procedures regarding use of the technology and the information it produces
  - a. There are no existing or recommended policies or procedures regarding use of the construction webcam.
7. The costs for the surveillance technology, including acquisition, maintenance, personnel, and other costs, and current or potential of funding
  - a. The cost of the California Avenue Garage and Highway 101 Pedestrian/Bicycle Overpass cameras was \$1,500 and \$16,000, respectively. This cost included procurement and installation of the camera as well as the webpage hosting during construction.

The intent of the webcams is to share progress on the construction projects with staff and residents. Given the limited potential of personally identifiable information being captured by the camera and the measures detailed above, staff recommends approving the use of the cameras. The surveillance policy for the construction cameras is included in Attachment A.

#### Surveillance Evaluation – Parking Guidance System

1. A description of the surveillance technology, including how it works and what information it captures
  - a. The Indect Parking Guidance System (PGS) installation utilizes camera-based sensors to provide parking guidance and management tools. While the technology has a variety of automobile locating and tracking features, the PGS will initially be set up only to indicate and track parking availability, with system data housed in a secured on-site server. In this case, the system will be set up to track stall usage only, without retaining, acquiring, or retaining any license plate information, indicating with colored lights stall availability. The camera-sensor will be utilized only to register whether a parking stall is occupied or not. In the future, the Office of Transportation may bring forward options for utilizing License Plate Recognition (LPR) capabilities or other enhancements for separate review by Council. Additionally, Indect will complete a Vendor Information Security Assessment (VISA). The VISA process documents vendors' security practices, previous data breaches, compliance with industry standards, and disaster preparedness. The process includes documenting vendor policies regarding passwords, encryption, log monitoring, system and application patching, physical security, and other details depending on services provided. This process ensures that the technology is set up according to City standards.

2. Information on the proposed purpose, use and benefits of the surveillance technology
  - a. The PGS is primarily intended to improve the parking experience for customers seeking open and available spaces via a digital and customizable, wayfinding system consisting of overhead mounted lights and signage. The system also provides customers space availability on various floors of the new garage.
3. The location where the surveillance technology may be used
  - a. The Indect PGS will be utilized at the California Avenue garage at 350 Sherman Avenue, as well as other public garages and lots where the system is planned to be installed in the coming year.
4. Present federal, state, and local laws and regulations applicable to the Surveillance Technology and the information it captures; the potential impacts on civil liberties and privacy; and proposals to mitigate and manage any impacts
  - a. There are no known federal, state, local laws, and regulations other than the City's Surveillance Technology ordinance and the Public Records Act. Data from the parking guidance system may constitute public records subject to disclosure, and, where retained, will be retained per the City's records retention policy.
  - b. Camera sensor data will only be utilized to log parking stall information and data, to communicate parking availability, and to quantify parking occupancy rates. LPR will not be enabled until addressed separately by the Office of Transportation and Council.
  - c. Regarding the potential impacts on civil liberties and privacy, camera sensor data images will initially be used only for parking wayfinding guidance and parking space availability monitoring.
5. All data downloaded to City equipment and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date, and time (Civil Code § 1798.90.52). Staff and/or contractors approved to access PGS data will only be permitted to access the data for legitimate Office of Transportation purposes. PGS system audits will be conducted yearly and will report who has accessed what types of data and why. Parking availability data is the only type of data to be retained.
6. Existing and or recommended City administrative policies and procedures regarding use of the technology and the information it produces
  - a. There are no existing or recommended policies or procedures regarding use of parking guidance systems.
7. The costs for the surveillance technology, including acquisition, maintenance, personnel, and other costs, and current or potential of funding.
  - a. The cost of the PGS for the California Avenue Garage was \$337,000 and installation and setup were included in the construction contract. Annual maintenance is expected to be approximately \$20,000.

The intent of the parking guidance system is to improve parking management strategies for improved customer satisfaction, as well as to improve cost effectiveness and operational efficiencies. Given the limited potential of personally identifiable information being transmitted or shared by this technology (as the initial setup will not retain any images or license plate data), its limited and purposely narrowed applicability to parking availability analysis, combined with data security and non-retention practices, staff recommends approving the use of the Indect PGS. The surveillance policy for the parking guidance system is included in Attachment B.

### **Resource Impact**

Funding for the construction camera and parking guidance system is included in the California Avenue Parking Garage Project Capital Improvement Program (CIP) Project PE-18000. Funding for the construction camera was included in the Highway 101 Pedestrian/Bicycle Overpass CIP Project PE-11011. No additional funding is required.

### **Policy Implications**

This project does not represent any changes to existing City policies.

### **Stakeholder Engagement**

No stakeholder engagement was completed for the purchase and use of the construction cameras or parking guidance system.

### **Environmental Review**

Approval of this camera does not constitute a project and is exempt from the requirements of California Environmental Protection Act (CEQA) pursuant to Section 15061(b)(3).

### **Attachments:**

- Attachment A - Surveillance Use Policy for Construction Cameras
- Attachment B - Surveillance Use Policy for the Parking Guidance System

## Draft

**Surveillance Use Policy for the Construction Cameras for the California Avenue Garage and Highway 101 Pedestrian/Bicycle Overpass Projects**

In accordance with Palo Alto Municipal Code section PAMC 2.30.680(d), the Surveillance Use Policy for construction cameras for the California Avenue Garage and Highway 101 Pedestrian/Bicycle Overpass projects is as follows.

1. **Intended purpose of technology.** The intended purpose of the construction webcams for the California Avenue Garage and Highway 101 Pedestrian/Bicycle Overpass projects is to monitor construction progress and create a time-lapse video for each project of the construction work in order to share progress on the construction projects with staff and residents. The plan is to share such videos on the City's project websites.
2. **Authorized uses of the information.** The uses that are authorized are activities promoting knowledge and information about the progress of the construction projects. The uses that are prohibited are unauthorized direct access to, modification, deletion or use of the data and any use that violates applicable laws, regulations or policies.
3. **Information collected by the technology.** The information collected by the construction webcams consists of the capture of still images at approximately 15-minute intervals to facilitate the creation of time-lapse videos. The construction cameras may also inadvertently capture images of non-employees/non-contractors (including members of the public) passing by the construction site for example on the street or sidewalk.
4. **Safeguards.** The safeguards that protect information from unauthorized access, include camera installations in an inaccessible location to the public. The video link will be added to the City's website and users will only be able to look at the current view or time-lapse videos. Users will be unable to change the camera angle. Once construction is complete, the camera will be removed and the footage will be kept in a City network folder with limited access by City staff. The time-lapse video is also stored in the vendors' cloud-based data storage indefinitely and can be removed if requested by the City.
5. **Information retention.** Information collected by the construction webcams will be retained in accordance with the City's records retention policy. The City may remove the time-lapse videos from the project websites, and the vendor's cloud-based data storage, at any time.
6. **Access to information outside City.** Non-city entity access or use of the online-posted video images includes anyone who visits the project websites. There will be no non-city direct access to the camera footage, which will be stored on City servers. The conditions and rationales for sharing information as described in this policy are to monitor and share progress on the construction. Staff will review with the vendor their cloud security measures to ensure

they are commercially reasonable. Data from the construction cameras may constitute public records subject disclosure under public records law.

7. **Procedures to ensure compliance.** Procedures to ensure compliance with this policy are to monitor website usage and City staff can remove the time-lapse videos at any time. Once construction is complete, the camera will be removed and the footage will be kept in a City network folder with limited access by City staff. City staff will direct the vendor to securely delete all of the data from its cloud once project construction is complete, the cameras are taken down, and the City has confirmed that it has all of the data in readable format. City will request that the vendor confirm the secure deletion in writing.

**DRAFT**  
**Surveillance Use Policy for the**  
**Parking Guidance System (PGS) Technology**  
**for City Parking Facilities**

In accordance with Palo Alto Municipal Code (PAMC) Section 2.30.680(d), the Surveillance Use Policy for the use of technology related to the parking guidance system (PGS) is as follows.

1. **Intended purpose of technology.** The parking guidance system (PGS) is a suite of equipment, hardware and software (provided by Indect USA Corporation, known as “Indect”), that provides for several features that can be integrated with current and future parking capabilities, including license plate recognition, car locating and custom signage. This installation includes camera-based sensors that each monitor up to 6 spaces, indicating with light emitting diode (LED) lights parking availability, for improved customer parking experience. This installation will also provide reliable parking availability data for parking management purposes. It was selected with the ability to add license plate reader (LPR) technology (for additional enforcement and management tools) but will function without acquiring or retaining any license plate information until the City Council has separately reviewed an LPR surveillance technology evaluation and policy, which the Office of Transportation will bring forward at a future Council meeting.
2. **Authorized uses of the information.** The information collected by the PGS will be used only for the purposes of monitoring parking availability in City parking facilities and communicating parking availability to customers and users of the application.
3. **Information collected by the technology.** The PGS technology, upon initial setup, will only collect stall usage data to tabulate and provide parking availability information. Personally identifying information, including video and images, will not be retained.
4. **Safeguards and Compliance Procedures.** The safeguards that protect information from unauthorized access, include encryption, access-control, and access oversight mechanisms, as applicable. City staff (limited to the Chief Transportation Official, Parking Manager and Parking Operations Lead) and contractors accessing PGS data will utilize physical access controls, computer application permission controls, and other technological, administrative, procedural, operational, and personnel security measures to record who has accessed PGS data, the time and date of access, and reason for access, to protect the data from unauthorized access, destruction, use, modification or disclosure. All data downloaded to City equipment and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52). Only parking stall data will be saved, with personally identifiable images of vehicles, license plates, or persons immediately discarded until Council considers the LPR technology more fully and approves an LPR-specific surveillance policy (Office of

Transportation to bring forward an LPR technology surveillance evaluation and policy in the future). PGS system audits, tracking who has accessed what types of data and why, will be reported yearly.

5. **Information retention.** Camera sensor images will not be retained. Only information on stall occupancy will be retained, which will be done in accordance with the City's records retention policy.
6. **Access to information outside City.** Retained stall occupancy data will be viewed by City personnel and by City contractors on an as-needed basis (i.e., as required to perform contracted services). No other entities will have access to the information. Data from the parking guidance system may constitute public records subject to disclosure under public records law.
7. **Compliance Procedures.** Compliance procedures are detailed in association with the safeguards described in Section 4 above. A Vendor Information Security Assessment (VISA) for Indect will also be completed and kept on file. The VISA process documents vendors' security practices, previous data breaches, compliance with industry standards, and disaster preparedness. The process includes documenting vendor policies regarding passwords, encryption, log monitoring, system and application patching, physical security, and other details depending on services provided. This process ensures that the technology is set up according to City standards.