PRIVACY AND DIGITAL RIGHTS IMPLEMENTATION IN THE CITY OF PORTLAND

Portland State University

January 25, 2024

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Smart City PDX program
Bureaus of Planning and Sustainability

THE BUREAU OF
**PLANNING &
SUSTAINABILITY**

Who I am?

Hector Dominguez is the Open Data, Privacy, and Surveillance Technologies Coordinator at the City of Portland, OR.

His work includes policymaking, ethical use of technology, digital rights and digital justice.

Hector is a robotics and automation engineer with a permaculture and maker spirit.

"At its heart, public interest technology means putting people at the center of the policymaking process — not just by designing programs with constituents' needs in mind, but by engaging directly with constituents throughout the policy design and implementation process."
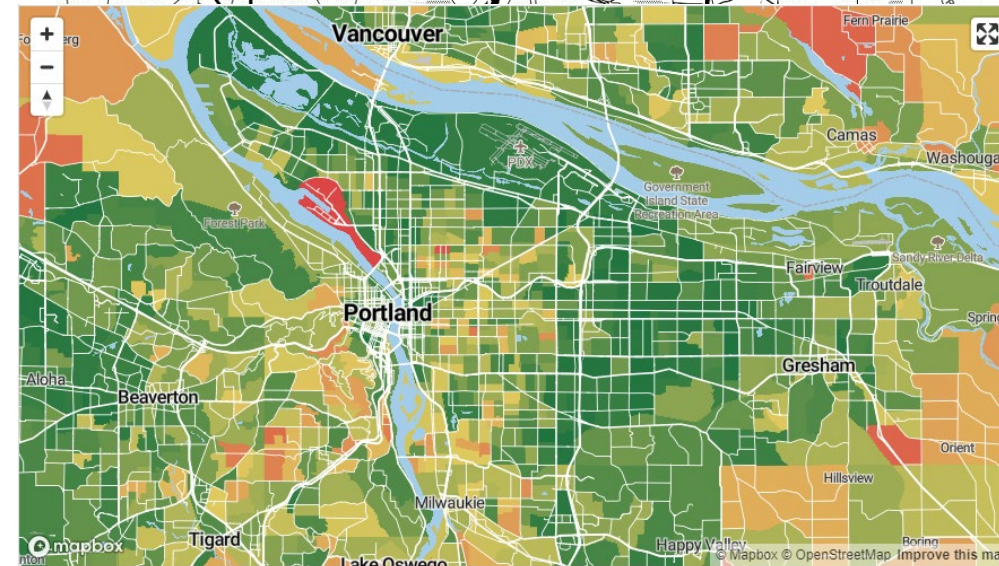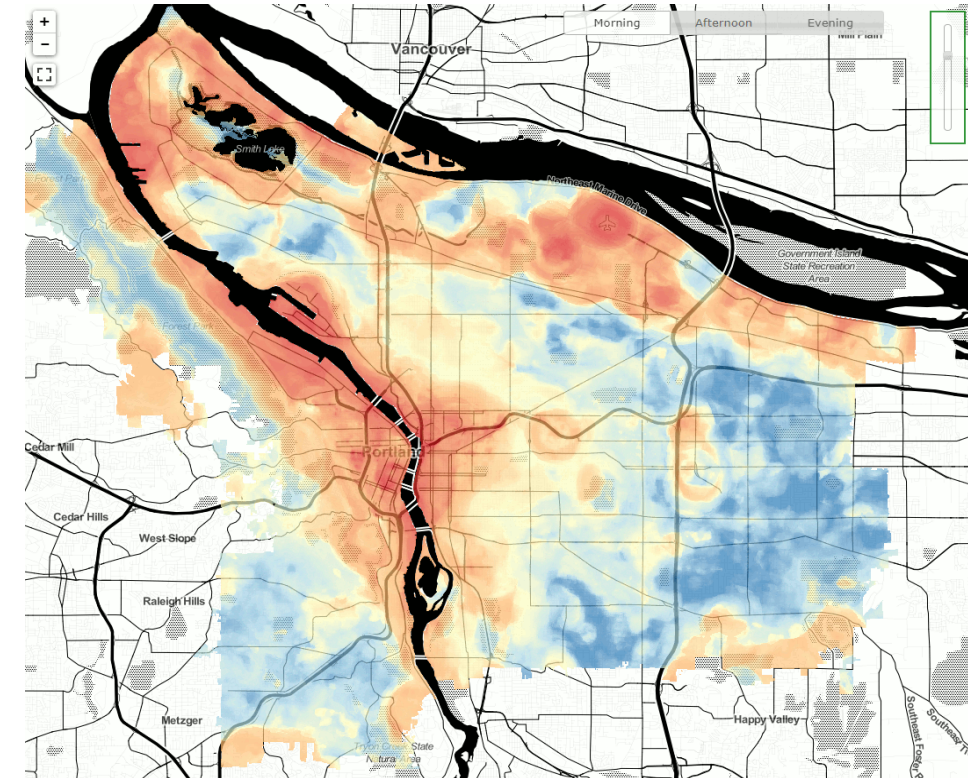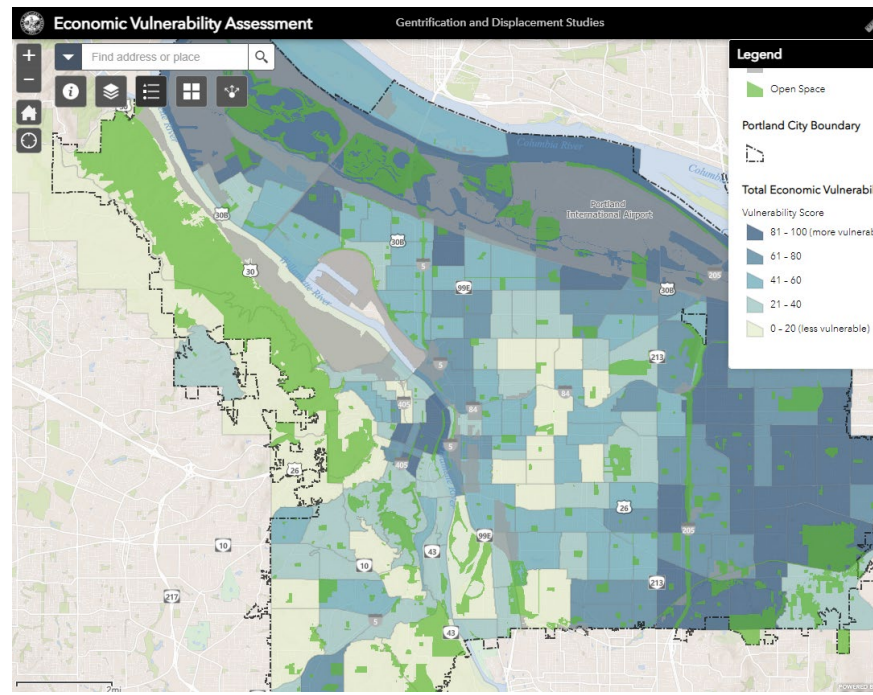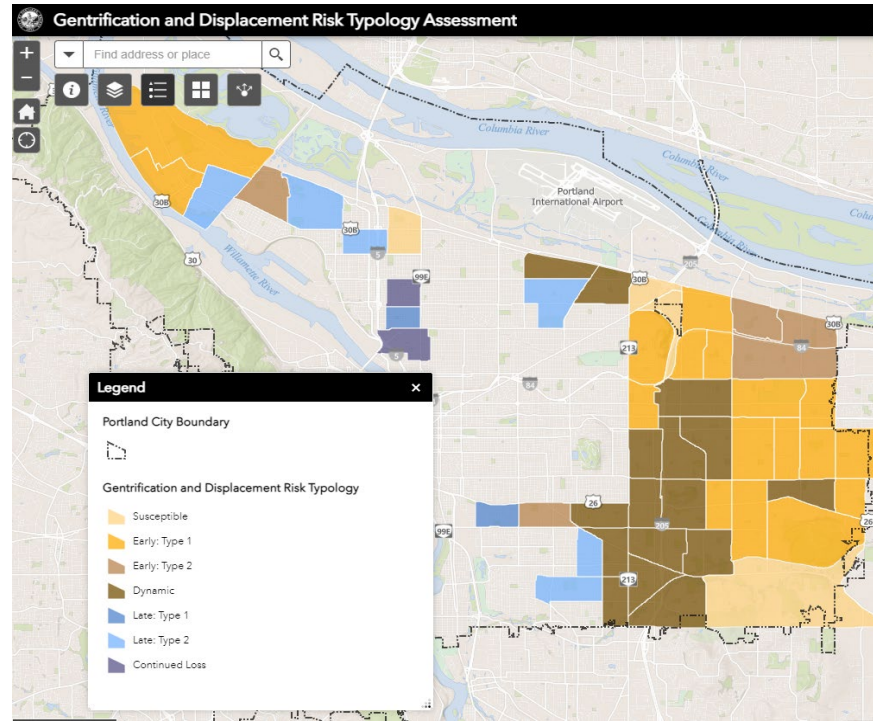
- New America (https://www.newamerica.org/pit/about/)

Technology is not anthropologically universal; it is enabled and constrained by particular cosmologies, which go beyond mere functionality or utility. Therefore, there is no one single technology, but rather multiple cosmotechnics.

-Yuk Hui

Some maps

This interactive report collects all NIBRS Group A offenses that are reported to the Portland Police Bureau. Offenses that occur outside the boundaries of a neighborhood or in areas without a defined address are included in citywide totals when specific neighborhoods are not selected.

Homicide Offense statistics were updated in August 2019 to align with revised FBI definitions. Traffic fatalities that result in an arrest for driving under the influence, distracted driving, or reckless driving are now included in negligent manslaughter counts.

Hover here for more information on using this dashboard.

Find Your Neighborhood:
Click the neighborhood after it is highlighted to filter.

Highlight Neighborhood Name

Not sure which neighborhood you live or work in? **Click here.**

Filter by Reported Date of Offense:

January 2021 - January 2022

Offense Count by Category

Person		
	Assault Offenses	10,161
	Homicide Offenses	98
	Human Trafficking Offenses	29
	Kidnapping/Abduction	90
	Sex Offenses	608
	Total	10,986

PBOT Traffic Counts

Find address or place

Legend

Transport...
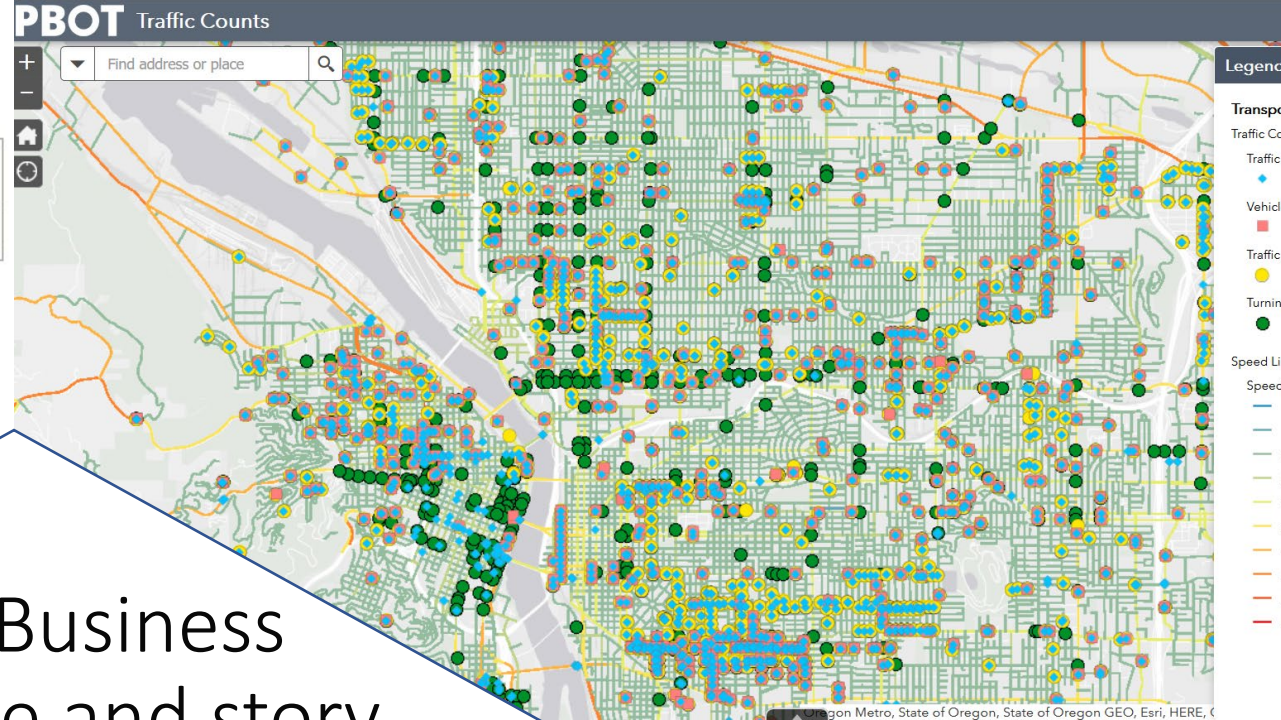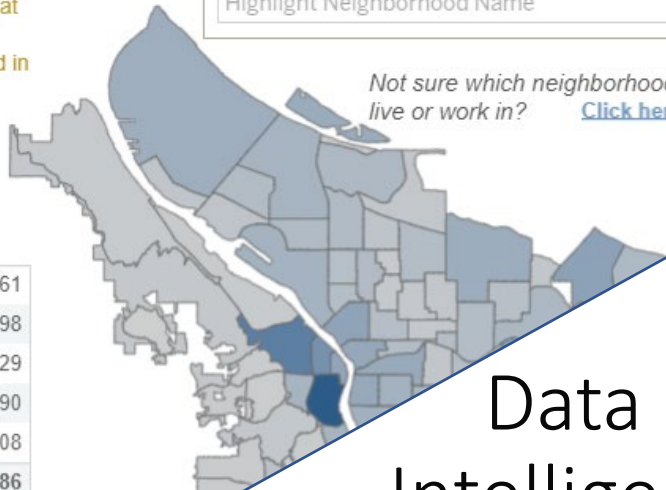
Data is Business Intelligence and story telling

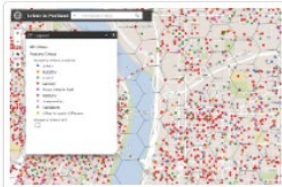**Portland Maps** Advanced — Gallery | Assessor | Aerial Photos | Permits

Featured

City of Portland Water Bureau HydroParks
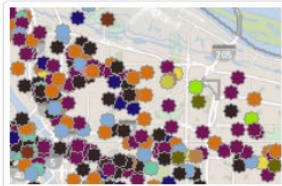
Crime Reports in Portland
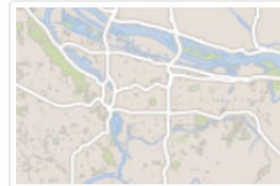
Crystal Springs Digital Tour

Explorer

NETs Community Resiliency

Noise Complaints

Open Data

Park Tree Inventory

Prosper Portland Community Development $24,265,252

Office of Management & Finance City Support Services $42,098,736

Portland Police Bureau Public Safety $19,526,344

Portland Fire & Rescue Public Safety $12,697,689

Bureau of Development Services Community Development

Bureau of Planning & Sustainability Community Development

Office of

Bureau of

Portland

Using data for decision making – Smart City

Smart City Utopia

Smart or Surveillance City?

Surveillance technologies monitor and track behavior, activities, or information from a **specific** individual or group for the purpose of gathering information, influencing, managing or providing direction.
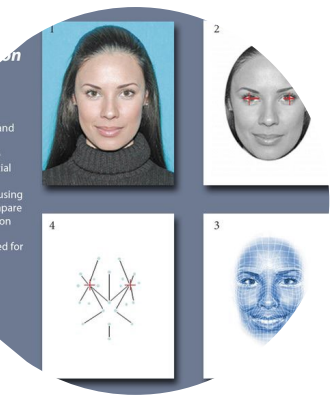
Hypervisibility of black communities

SIMONE BROWNE

DARK MATTERS

ON THE SURVEILLANCE OF BLACKNESS
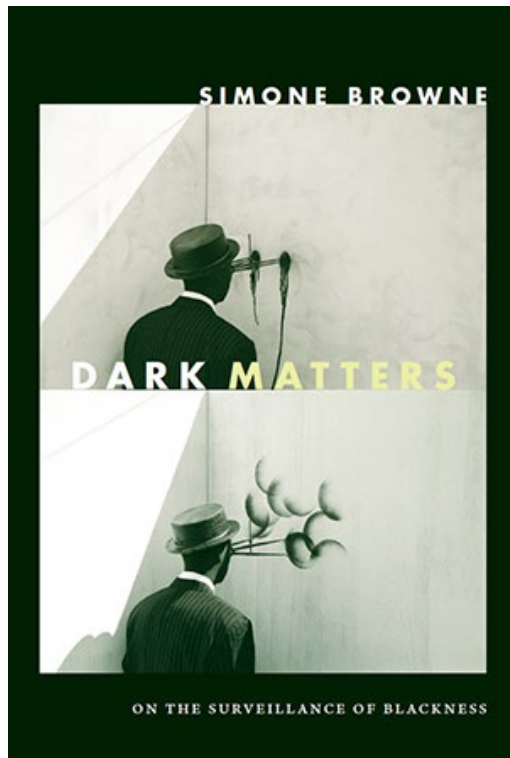
INTERVIEW

The Surveillance of Blackness: From the Trans–Atlantic Slave Trade to Contemporary Surveillance Technologies

BY

Claudia Garcia-Rojas, TRUTHOUT

PUBLISHED

March 3, 2016

SHARE

(Photo: Surveillance Camera via Shutterstock; Edited: LW / TO)

The Surveillance Gap

Many individuals who may need government and nonprofit services and legal protections fail to enjoy these benefits because they reside in a "surveillance gap."
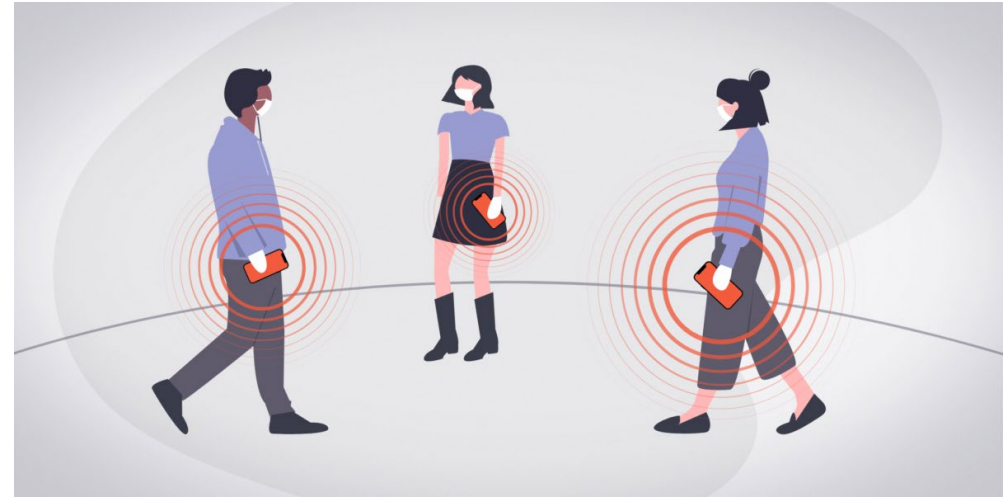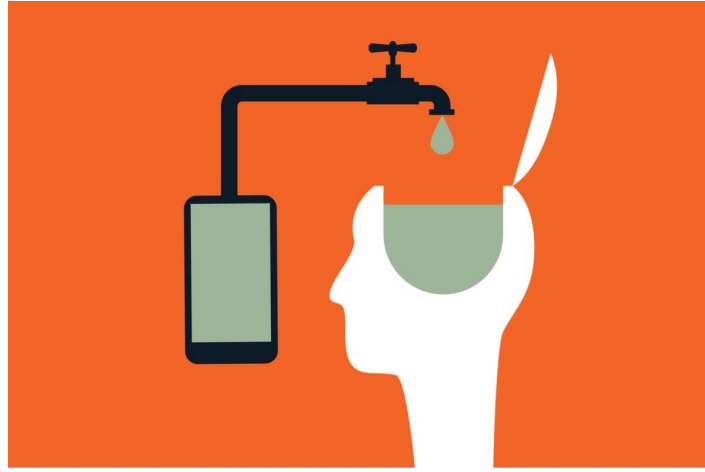
These people include native communities, undocumented immigrants, day laborers, homeless persons, and people with felony conviction histories or suffering collateral consequences of their convictions.

Harms vs benefits of Surveillance Technologies

AI, what can get wrong?

AI translation is jeopardizing Afghan asylum claims

Cost-cutting translations are introducing errors and putting refugees at risk.

The controversial company using DNA to sketch the faces of criminals

Parabon Nanolabs shot to fame using DNA and genealogy analysis to solve cold cases. Then it hit a setback.

Carrie Arnold

This Algorithm Could Ruin Your Life

A system used by the Dutch city of Rotterdam attempted to rank people based on their risk of fraud. The results were troubling.

Dutch scandal serves as a warning for Europe over risks of using algorithms

The Dutch tax authority ruined thousands of lives after using an algorithm to spot suspected benefits fraud – and critics say there is little stopping it from happening again.
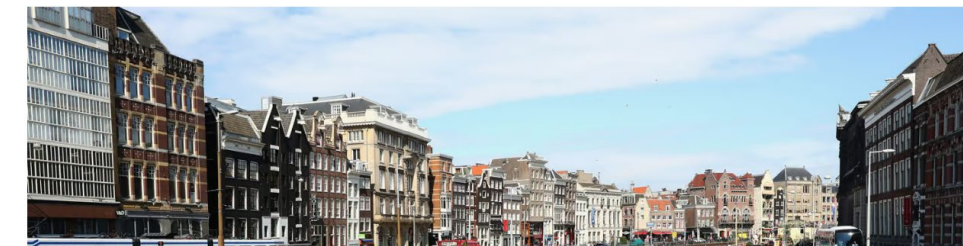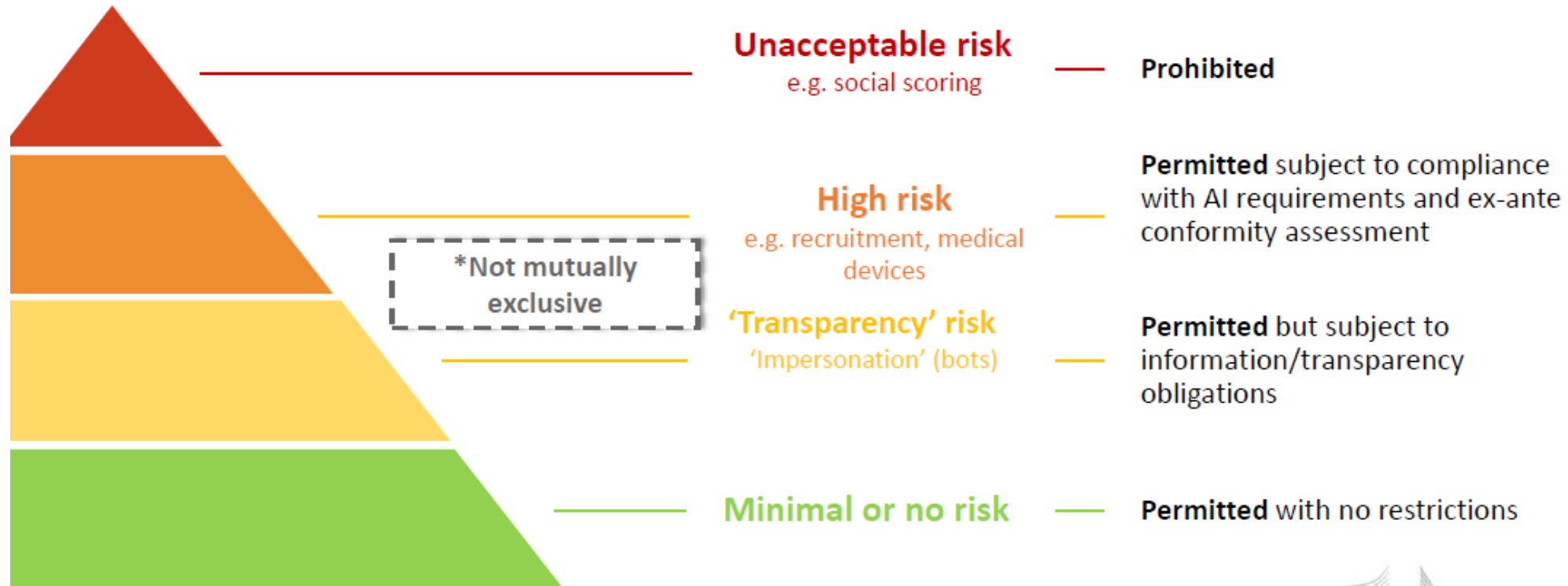
Some Ethical Issues

- Black boxes
- Data biases
- Uncertainties impacts ethical assessments
- Full life cycle of information
- IP issues
- Utilitarian vs Deontological frameworks
- Ethics is not compliance
- Ethics is not equity
- Ethics is not Justice

European Union AI Act

A risk-based approach

Unacceptable risk
e.g. social scoring
— **Prohibited**

High risk
e.g. recruitment, medical devices
— **Permitted** subject to compliance with AI requirements and ex-ante conformity assessment

*Not mutually exclusive

'Transparency' risk
'Impersonation' (bots)
— **Permitted** but subject to information/transparency obligations

Minimal or no risk
— **Permitted** with no restrictions

European Commission

Co-evolution of Data and Technology

Best practices and data governance structures expand to organizations beyond the government. Including private companies, Advocacy groups, community based organizations, academic centers and, regular people.
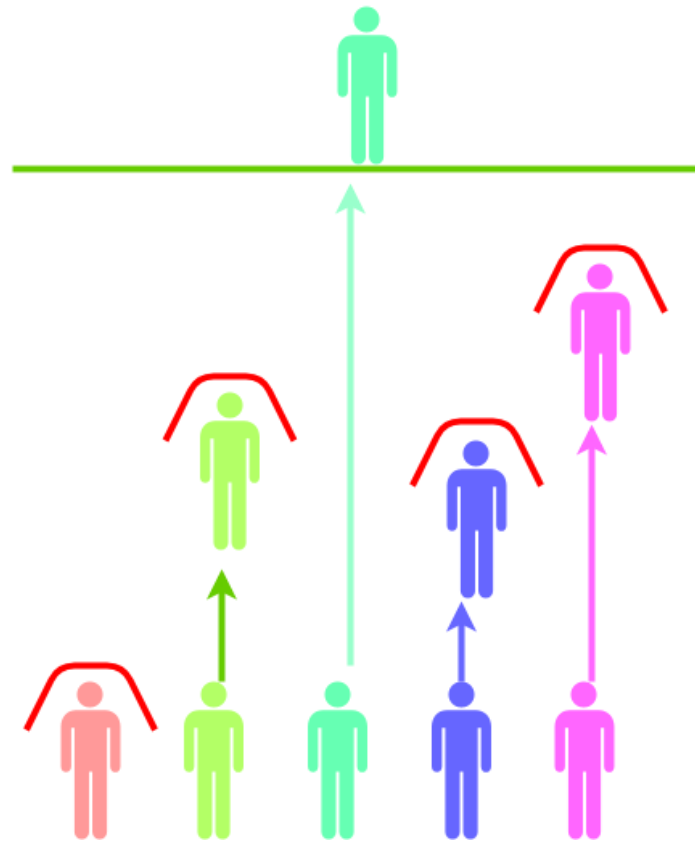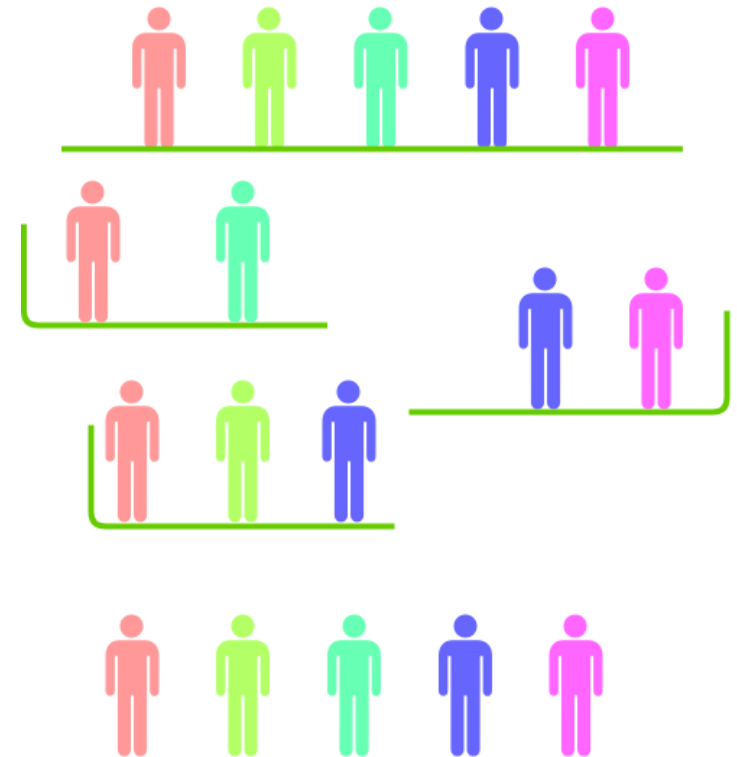
Private sector

Public sector

People

Community based organizations
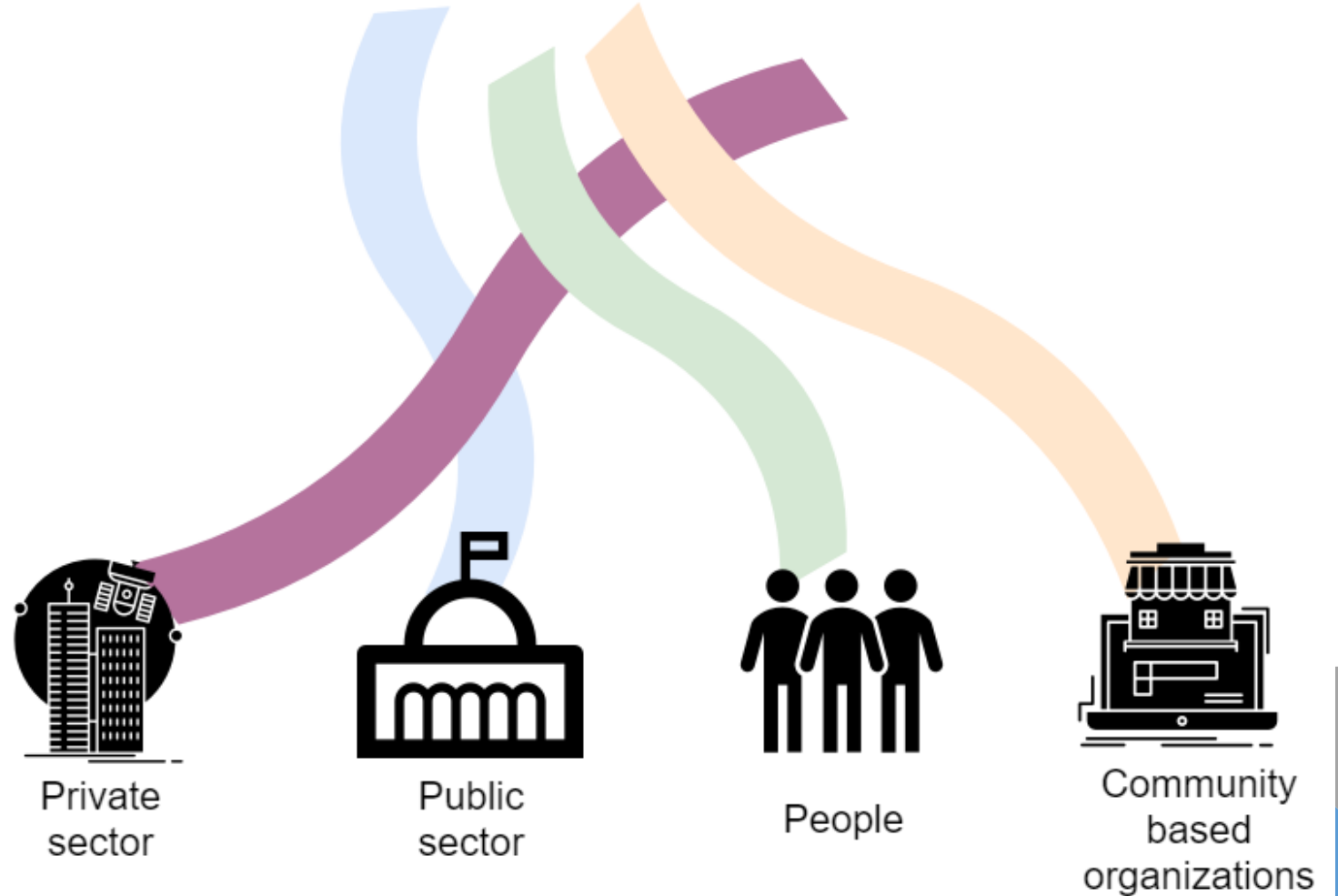
Technology Frameworks

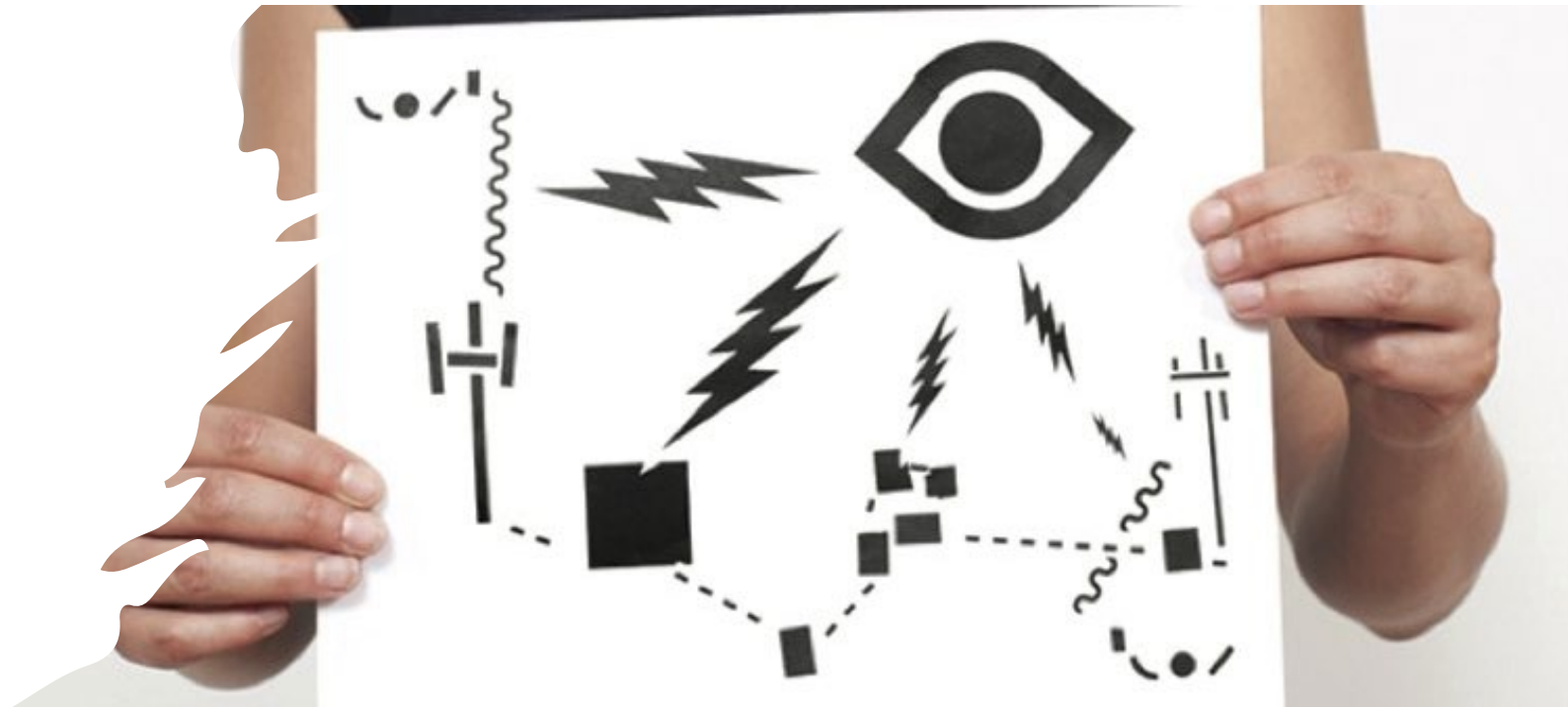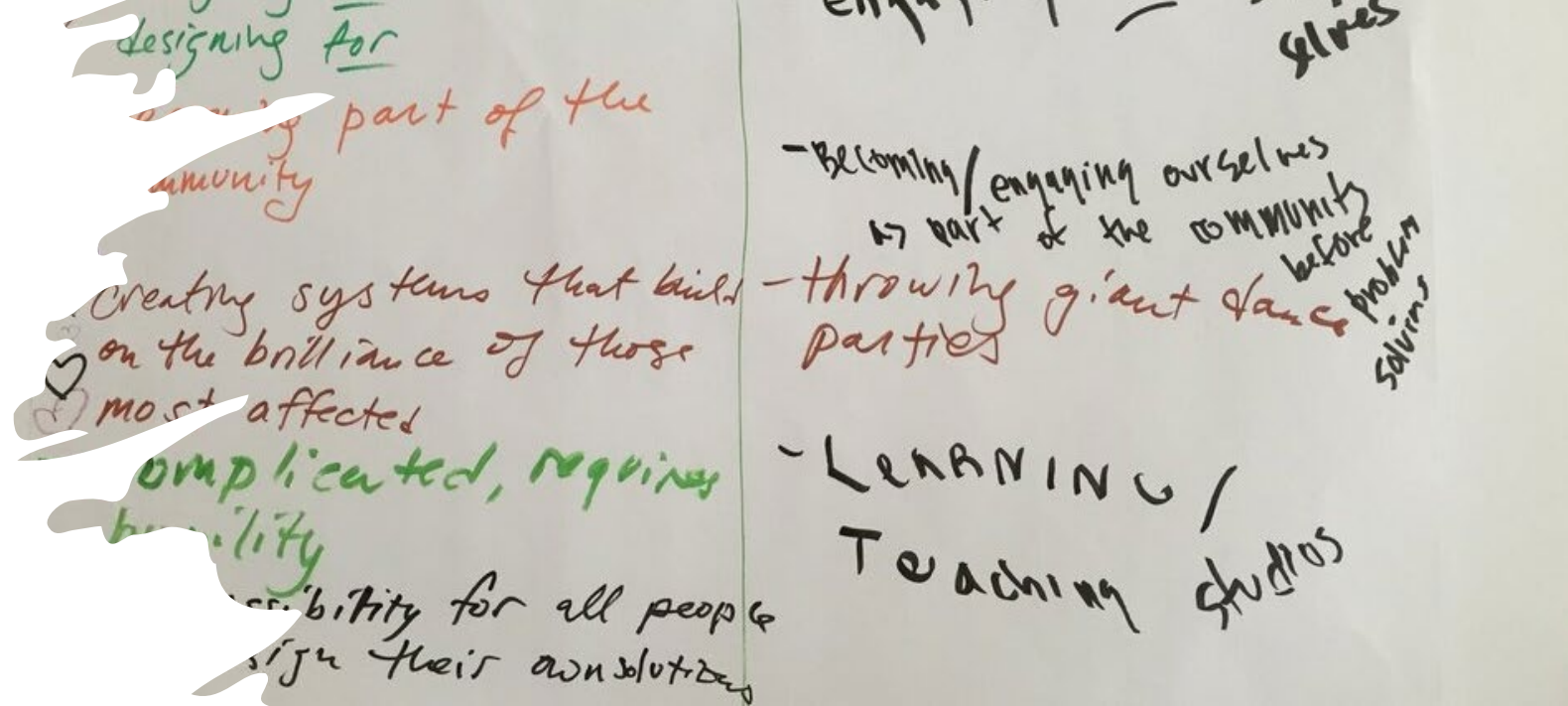# Structural inequity vs universal targeted solutions

Structural inequity produces different outcomes to different communities

Targeted universalism responds with universal goals and targeted solutions

Design Justice principles – Technology and public spaces

Digital Rights

1. Universal and equal access to the internet, and digital literacy
2. Privacy, data protection and security.
3. Transparency, accountability, and non-discrimination of data, content and algorithms.
4. Participatory democracy, diversity and inclusion.
5. Open and ethical digital service standards.

CITIES COALITION FOR DIGITAL RIGHTS

Digital Justice

The equitable treatment of all people in technology and information, regardless of race, abilities, gender, age, personal circumstances or social context. Digital justice ensures that people have the digital rights and resources they need to thrive—including access to digital infrastructure, shared ownership of digital resources, data protection, and open and accountable digital governance.

Community driven decisions

- Collaborative Intelligence: in a world where value is not just placed on things but also ideas, collaboration has become the most important skill.

What have we done around public participation?

# IAP2 Spectrum of Public Participation

IAP2's Spectrum of Public Participation was designed to assist with the selection of the level of participation that defines the public's role in any public participation process. The Spectrum is used internationally, and it is found in public participation plans around the world.

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

Portlanders are saying ...
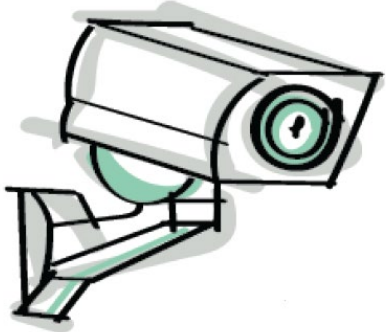
Porch cameras are everywhere now. Can they be used in a way that harm to the community?

My friend's employer records her on camera to make sure she is being productive at work. That seems invasive.

I attended a protest downtown and I heard that the police were taking footage of the crowd.
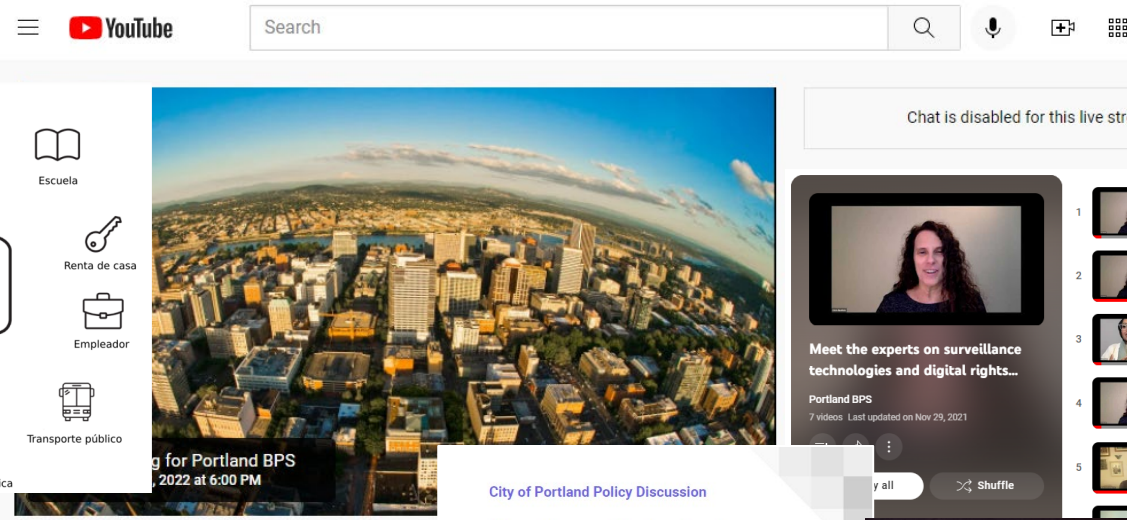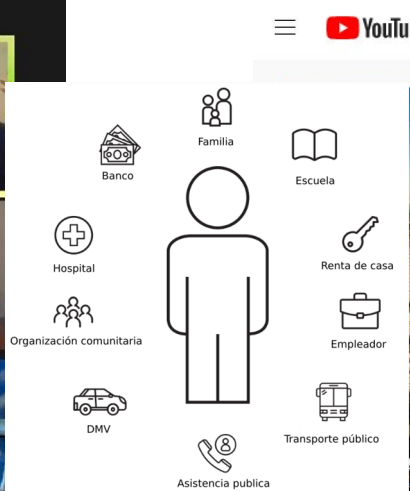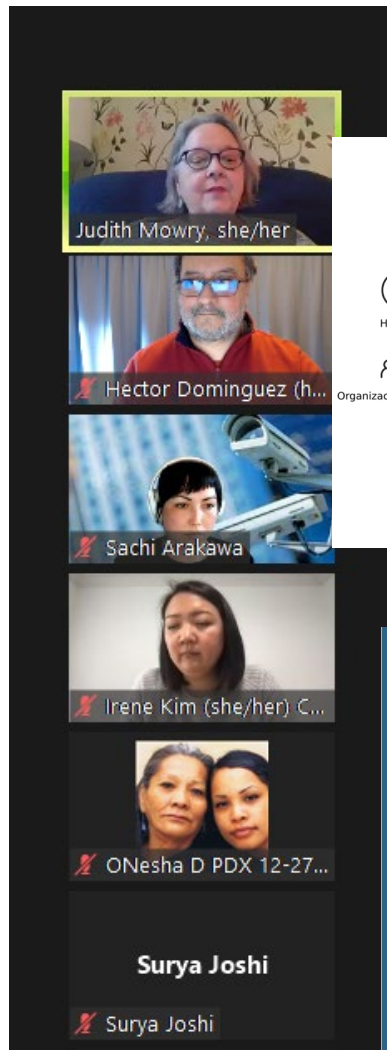
When I use Biketown or Parking Kitty, I wonder if my personal information if being stored or shared.

Participatory policymaking

Open and accessible public-engagement process

Why is this work important?

Why is the Surveillance Technologies Policy important?

City of Portland
Surveillance Technologies Policy
O'Nesha Cochram-Dumas
March 2, 2022

Translating into government

Public Interest Technology

Technology used to serve the public good.

Effective	People-centered	Fiscally responsible	Evidence-based
Lawful	Public involvement	Transparent	Accountable

Value-based track

Values provide, at a minimum, the guardrails of ethical permissibility. Creating practical and concrete guardrails can help with communications and further evolution of them:

- **Doing no harm.**
- **Clear, honest, comprehensive communications.**
- **Communication of true claims.**
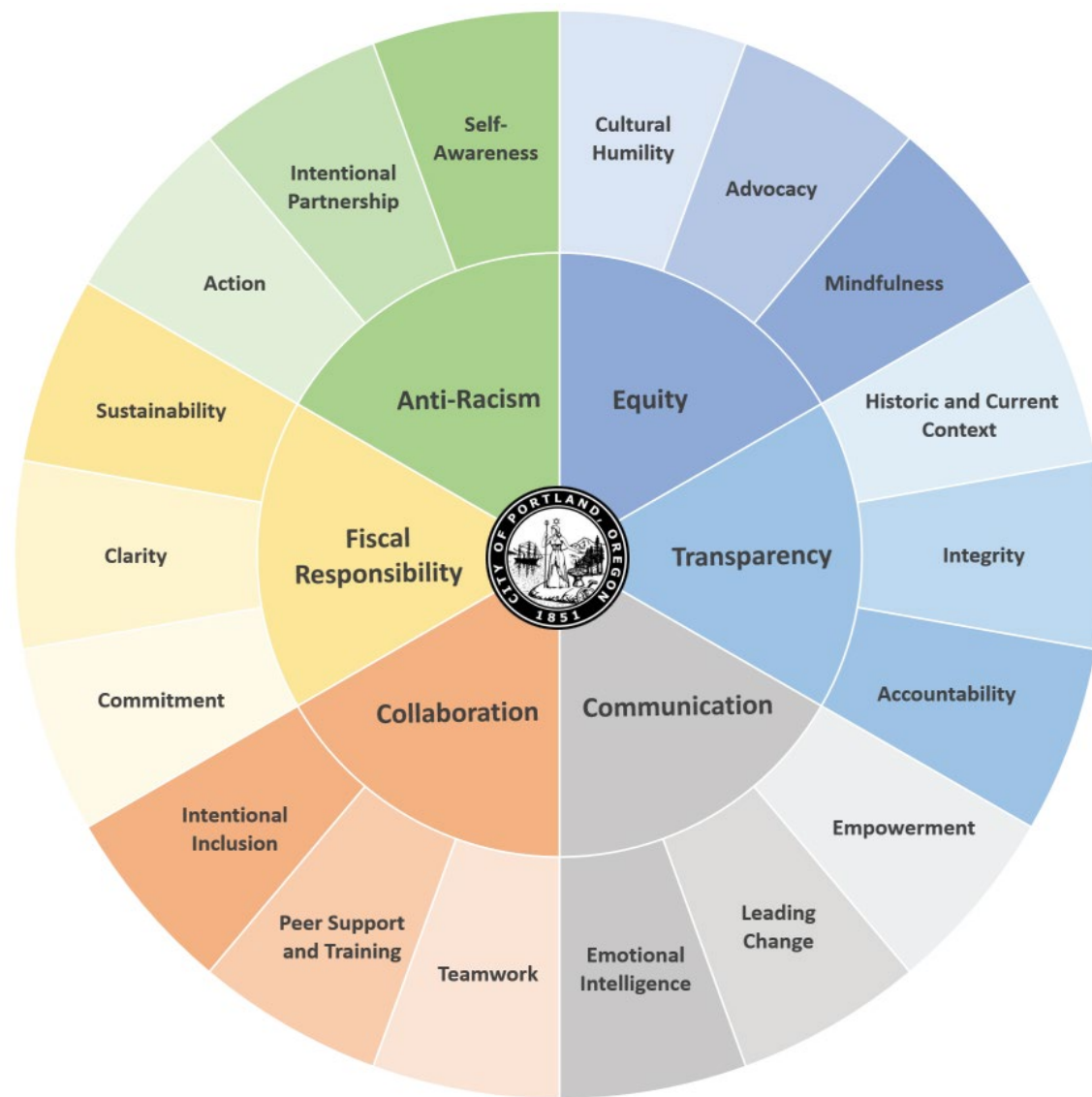
Transparency and accountability

Data openness

Equitable data management

Automated decision systems

Full lifecycle stewardship

Data utility

Ethical and non-discriminatory use of data

2019 Portland Privacy and Information Protection Principles
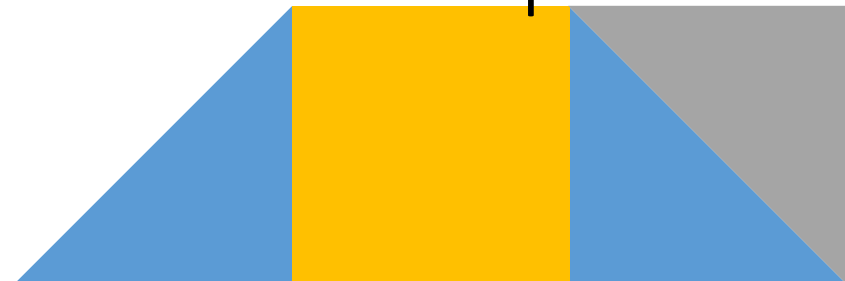
Portland face recognition bans - 2020
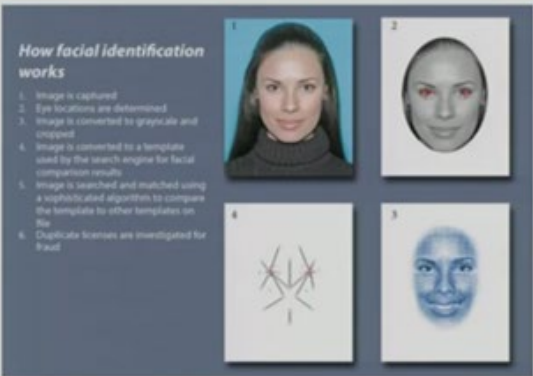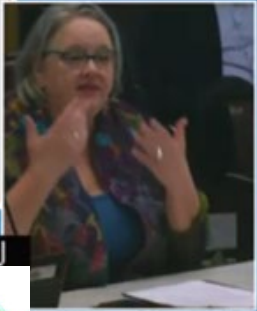
surveillance technologies policy

- Two City Council work sessions in 2022.
- More than a year of public engagement and internal bureau outreach, 17 different public events, more than 400 Portlanders participating, direct community work. **Comments compiled, classified, and delivered.**
- Support from a Citywide privacy workgroup since 2019
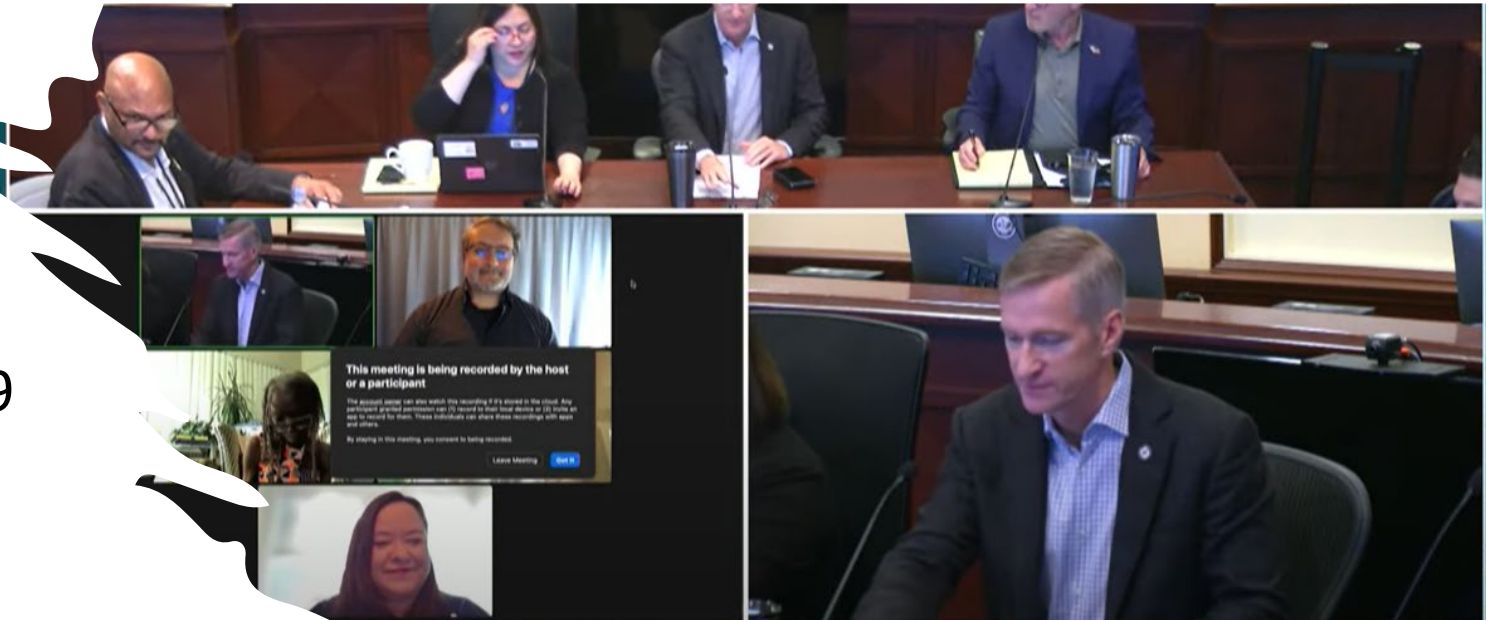
Surveillance technologies 2023 resolution

Portland City Council passed an initial surveillance technologies resolution last February 1st. This policy has five directives:

Citywide surveillance technologies inventory.

Accountability, oversight, and effective public involvement.

Implement privacy impact assessments

Design a citywide privacy program.
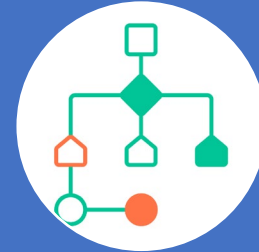
Automated decision systems.

Impact and risks assessments

All NEW Surveillance Technologies require an impact and risk assessment before procuring.

A Privacy Impact Assessment ("PIA") is a method for collecting and documenting detailed information collected in order to conduct an in-depth privacy review of a program or project.

It asks questions about the collection, use, sharing, security and access controls for data that is gathered using a technology or program.

Why are we doing surveillance tech PIAs?

- To generate better public trust

- To help and inform bureaus in their technology selection and negotiation with vendors

- In response to public interest to develop more transparency around the use of surveillance technologies

What is included in a PIA?

It is compiled in two sections:

- Technology information
- Analysis and Risk and Impact Assessment.

Informs decisions on technology and information

Areas of evaluation:

(1) Individual Privacy Harms;

(2) Equity, Disparate Community Impact;

(3) Political, Reputation & Image;

(4) City Business, Quality & Infrastructure;

(5) Legal & Regulatory; and,

(6) Financial Impact.

Risk Matrix	A: Low	B: Moderate	C: High	D: Extreme
Almost Certain	1A	1B	1C	1D
Likely	2A	2B	2C	2D
Possible	3A	3B	3C	3D
Unlikely	4A	4B	4C	4D
Rare	5A	5B	5C	5D

Privacy Impact Assessment workflow and deliverables

Portland threshold privacy analysis for a technology, project, data sharing agreement or app solution	
Information	**Request information**
Bureau	Portland Parks & Recreation
Prepared by (name/email)	Hector Dominguez - hector.dominguez@portlandoregon.gov Privacy work group coordinator
Reviewed by	City Attorney's office Office of Equity and Human Rights
Date of Assessment	October 26, 2021
Document status	Completed
Date of Acceptance	10/19/2021
Name of the assessment	**Parks Usage Statistics from Aggregated Data**
General description	Portland Parks & Recreation is planning to use aggregated geolocation data to understand how many visitors are in parks, when and for how long they visit a park, and how far they travel to get to a park.
Evaluation topic	**Assessment**
Purpose of the technology, project, data sharing or	This app's Patterns dataset includes visitor and demographic aggregations for points of interest (POIs) in the US. This contains aggregated raw counts of visits to POIs from a panel of mobile devices, answering how often people visit, how long they stay, where they came from, where else they go, and more. Data

Surveillance Technology

Privacy Impact and Risk Analysis

Completed

Sample template
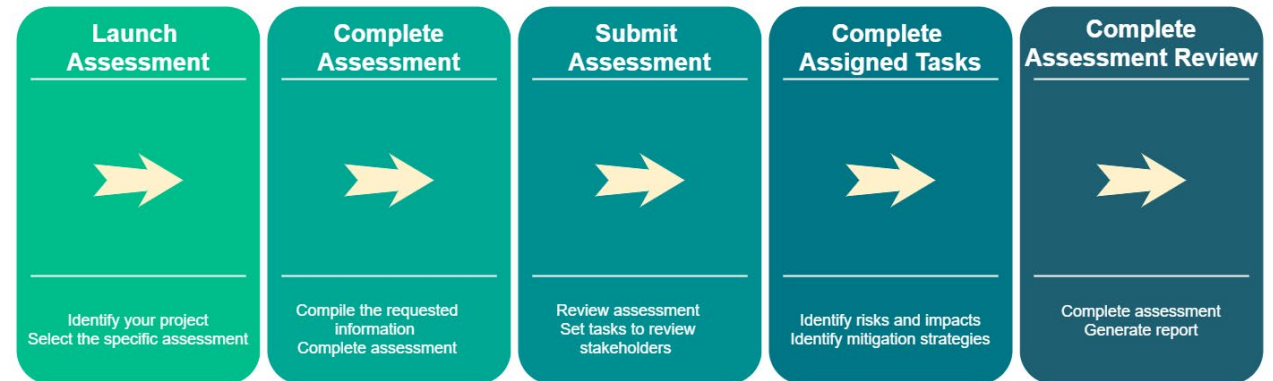
| Launch Assessment	Complete Assessment	Submit Assessment	Complete Assigned Tasks	Complete Assessment Review
➡	➡	➡	➡	➡
Identify your project Select the specific assessment	Compile the requested information Complete assessment	Review assessment Set tasks to review stakeholders	Identify risks and impacts Identify mitigation strategies	Complete assessment Generate report

Policy

A PIA can be influenced by privacy policies from NYC, Seattle, and World Economic Forum's Privacy Policies. Privacy Policies help inform PIA question-making. Think of principles as greater targets, while policy offers smaller targets for the PIA that help achieve greater targets.
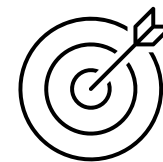
Data Minimization

Policy / Governance Measures
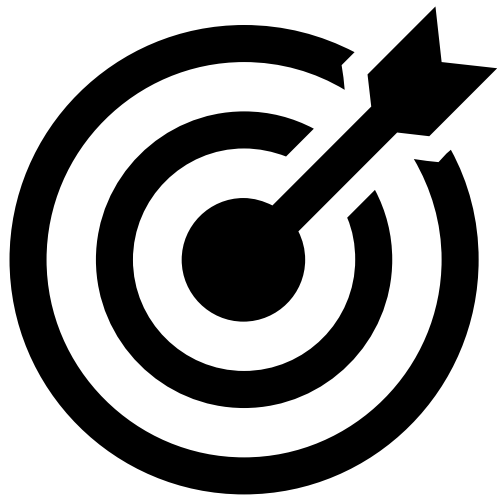
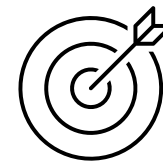Inventory Personal & Non-Personal Data

Minimize data collection and data retention

Treat sensitive or high-risk data with caution

Ensure whether personal information is necessary

Policy

A PIA can be influenced by privacy policies from NYC, Seattle, and World Economic Forum's Privacy Policies. Privacy Policies help inform PIA question-making. Think of principles as greater targets, while policy offers smaller targets for the PIA that help achieve greater targets.
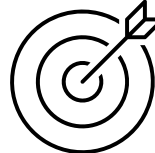
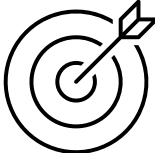Ethical and Non-Discriminatory Use

Policy / Governance Measures (Examples)
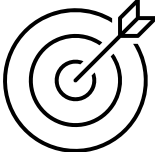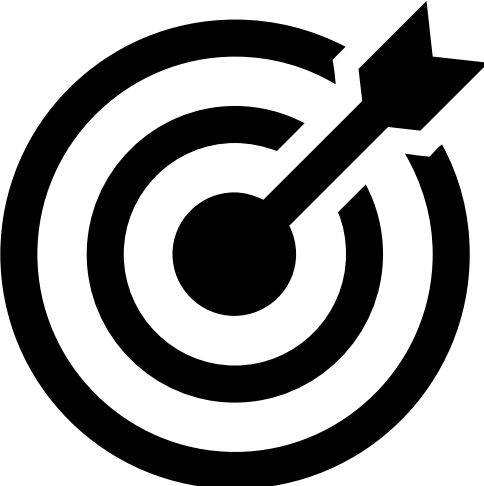
No Profiling or Social Sorting (e.g., race, ethnicity, age)
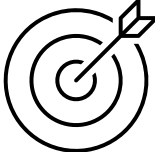
Assess Context Surrounding Technology

Assess the Public's (Stakeholder's) Values

Third-Party Audits

Final comments on AI

Ethical AI Best practices.

Ethical beliefs are about the perception of the world, specifically, what is right and wrong, good or bad, permissible or impermissible. There three complex ethical issues on AI solutions and products:

- **Bias.**
- **Explainability.**
- **Privacy.**

Procedural track

Create procedural structures:

- **Transparency**
- **Accountability**
- **Due diligence process**
- **Monitoring**
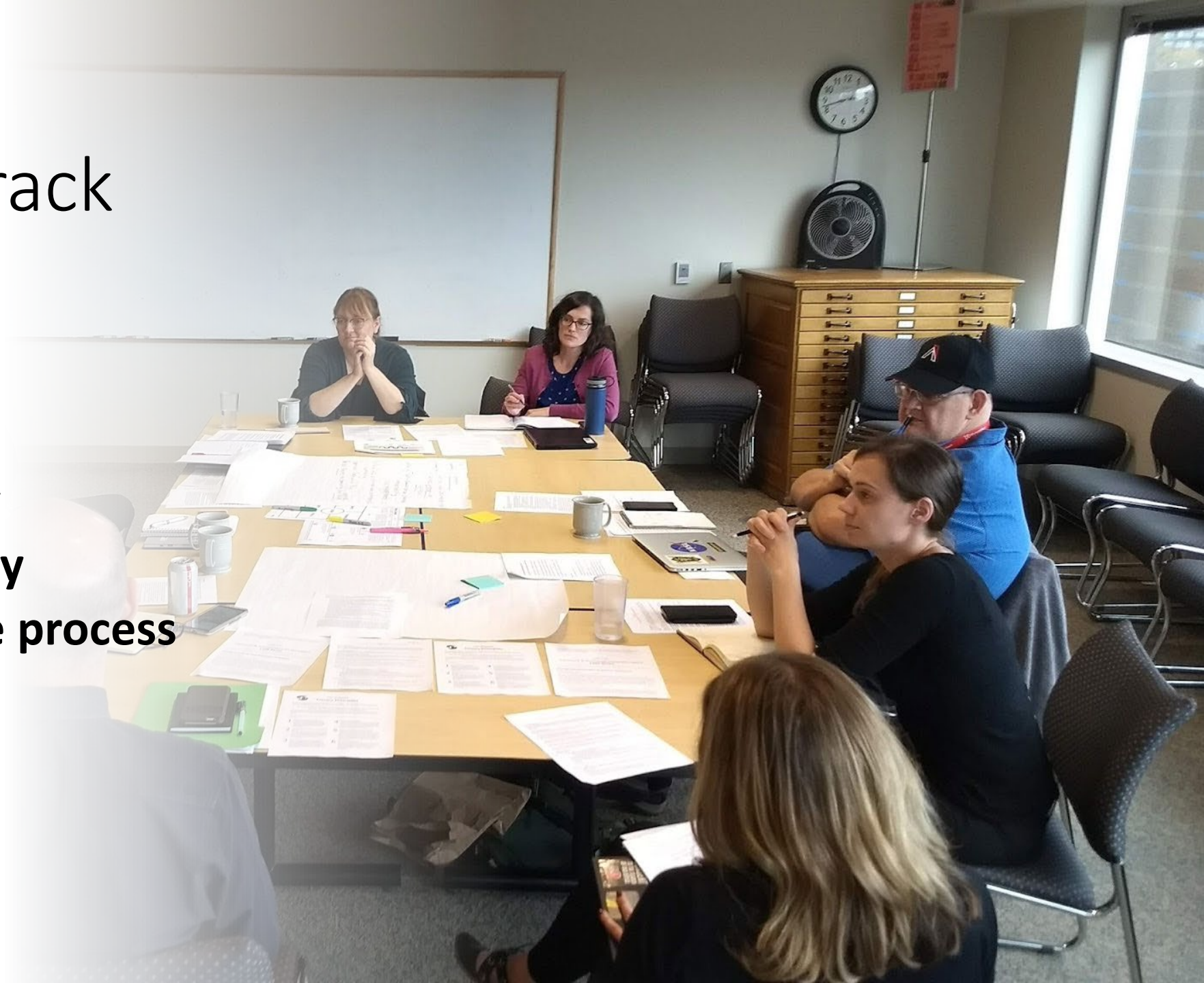
AI work ahead in Portland

1. **Develop ethical standards** (human centered, equity and anti-discriminatory, value-based, legally and financially defensible).

2. **Organization and public awareness** (communications, digital literacy, participation, and deliberation).

3. **Teams, tools, and processes** (scopes: technical, social, legal, human- and digital rights; tools and processes for: management, monitoring, registers, procurement, operations, risk assessment, accountability).

4. **Expert and public oversight** (scope, membership, jurisdiction).

THE BUREAU OF PLANNING & SUSTAINABILITY

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Smart City PDX Program -
https://www.smartcitypdx.com/

VISIT US ONLINE portland.gov/bps

The City of Portland is committed to providing meaningful access. To request translation, interpretation, modifications, accommodations, or other auxiliary aids or services, contact 311, Relay: 711.

Traducción e Interpretación ｜ Biên Dịch và Thông Dịch ｜ अनुवादन तथा व्याख्या ｜ 口笔译服务 ｜ Устный и письменный перевод ｜ Turjumaad iyo Fasiraad ｜ Письмовий i усний переклад ｜ Traducere şi interpretariat ｜ Chiaku me Awewen Kapas ｜ 翻訳または通訳 ｜ ການແປພາສາ ຫຼື ການອະທິບາຍ ｜ الترجمة التحريرية أو الشفهية | Portland.gov/bps/accommodation