

RESOLUTION NO. 79245

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING CITY-WIDE PRIVACY PRINCIPLES

WHEREAS, in May 2018, the City of San José (“City”) engaged 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; and

WHEREAS, Harvard recommended that the City: 1) develop a set of Privacy Principles through a combination of community engagement and subject matter expertise, and 2) use the Privacy Principles to develop a centralized Privacy Policy for the City that safeguards the public’s trust in the City’s use of technologies that could identify and/or store personally identifiable information; and

WHEREAS, to create and vet its Privacy Principles, the City gathered community input through a series of stakeholder interviews and public forums, created a Privacy Advisory Taskforce comprised of subject-matter experts from industry, nonprofits and academia to provide guidance on the City’s approach and the Privacy Principles, and created a Privacy Working Group comprised of senior cross-departmental City staff to integrate input from the public forums and the Privacy Advisory Taskforce; and

WHEREAS, the City desires to establish Privacy Principles to guide City policies regarding how the City provides services through the collection, management, retention and sharing of data, and to express the core values the City will uphold to safeguard the public’s trust as the City further develops its Privacy Policy;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The following City-Wide Privacy Principles are approved:

1. **We value privacy** - We affirm that privacy is an inherent human right. We commit to fully evaluating risks to your privacy before collecting, using, or sharing your information.
2. **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.
3. **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.
4. **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.
5. **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.
6. **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.

ADOPTED this 17th day of September, 2019, by the following vote:

AYES: ARENAS, CARRASCO, DAVIS, DIEP, ESPARZA,
FOLEY, JIMENEZ, KHAMIS, PERALEZ, LICCARDO.

NOES: NONE.

ABSENT: JONES.

DISQUALIFIED: NONE.



SAM LICCARDO
Mayor

ATTEST:



TONI J. TABER, CMC
City Clerk