

**OAKLAND CITY COUNCIL**\_\_\_\_\_  
City Attorney**RESOLUTION No. \_\_\_\_\_ C.M.S.**

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION: 1) AFFIRMING THE RIGHT TO PRIVACY; 2) ESTABLISHING THE CITY OF OAKLAND DOMAIN AWARENESS CENTER (DAC) PRIVACY AND DATA RETENTION POLICY WHICH PRESCRIBES THE RULES FOR THE USE, ACCESSING AND SHARING OF DAC DATA; ESTABLISHES OVERSIGHT, AUDITING AND REPORTING REQUIREMENTS; AND IMPOSES PENALTIES FOR VIOLATIONS; AND 3) AUTHORIZING THE DAC TO BECOME OPERATIONAL**

**WHEREAS**, on March 4, 2014, the City Council passed Resolution No. 84869 C.M.S., which restricted the use and application of Oakland's Domain Awareness Center (DAC) to the monitoring of Port of Oakland property and surrounding areas; required the development of a Privacy and Data Retention Policy before the DAC Phase II could be made operational; and the Council also approved an Ad Hoc Community Advisory Committee made up of City Council appointees, charged with the development of this Policy; and

**WHEREAS**, the Ad Hoc Advisory Committee held several meetings in which representatives of various City departments participated, the Advisory Committee has finalized their proposed Privacy and Data Retention Policy through an open and accessible public process, which Policy is attached to this Resolution; and

**WHEREAS**, the purpose of this Policy is to ensure that individuals' rights to privacy, civil liberties, and freedom of speech are protected by establishing rules for the collection, use, retention, and sharing of DAC data; by erecting safeguards against the improper use, distribution, and/or breach of DAC data and systems; and by requiring appropriate levels of oversight, reporting and transparency; and

**WHEREAS**, upon Council's adoption of a DAC Privacy and Data Retention Policy and the completion of the DAC Phase II process, the DAC will be brought into operation enabling the City to access situational awareness information so that the City is better equipped to make timely and critical decisions on the best ways to prevent, prepare for, respond to, and recover from emergencies and potentially catastrophic events; and

**WHEREAS**, this Policy applies to the City-Port DAC systems operated by the City of Oakland's Emergency Operations Center in Oakland, California which are under the City's control, and does not apply to Port of Oakland monitoring and security systems operated by the Port and which are within their jurisdiction and control; now therefore be it

**RESOLVED:** That the City of Oakland affirms an individual's right to privacy as recognized in the California and United States Constitutions; and be it

**FURTHER RESOLVED:** That the City Council hereby adopts the proposed DAC Privacy and Data Retention Policy recommended by the Ad Hoc Community Advisory Committee, which is attached, as the City of Oakland's official DAC policy; and be it

**FURTHER RESOLVED:** That this Policy shall be implemented as prescribed and the City Administrator shall adopt rules and regulations and take any other action necessary to implement and administer this Policy.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California