

Surveillance Study Committee

Minutes for October 18, 2018

Attendees:

Stephen Revilak, Jon Gersh, Stephen Nesterak, Sayed Khodier, David Good, Doug Funkhouser, Christina Hildebidle, Julie Flaherty, Gary Horowitz, Mark Streitfeld, Douglas Heim

Scheduled Meetings:

Tue Oct 30th, 7:00 PM, Lyons Hearing Room
November 29, 7:00 PM, Lyons Hearing Room

Action Items:

The following individuals will make changes to the following sections of the draft policy:

- Mr. Revilak, section 4, "Definitions/Terms".
- Mr. Heim, section 3, "Scope"
- Mr. Gersch, sections 1 and 2, "Vision" and "Purpose"

Approval of Minutes:

After a brief discussion of typos, Mr Nesterak moved to approve the minutes pending changes, and Mr. Revilak seconded.

Applicability to Town vs. School District:

- Mr. Heim spoke about the scope of the surveillance policy as it applies to the town versus the school committee. Only the School Committee can make policies for the schools. They maintain a handbook spelling out school policies, and it is the extensive set of policies in town. Mr. Heim suggested that the Surveillance Study Committee should consult with the School Committee's subcommittee that maintains the handbook. The town cannot issue policies for the schools.

Students have odd privacy rights. They have little privacy with respect to equipment used in in schools, and usage must conform to acceptable use. Relative to outside world, students have high expectations of privacy with regard to student records.

This committee might be able to learn more by talking to the School resource officer.

The schools don't have a surveillance policy per se, but it does have policies that touch on surveillance issues. Schools are used by more than just students.

- Mr. Good mentioned that the schools use standard video equipment, have 3 guards for "hot spots", and form recommendations based upon consultation with consultants. Principals make requests when they feel a need to do so.

- Mr. Streitfeld suggested this committee find school committee member who can review our drafts. Mr. Horowitz suggested we do so after the draft is more solid.
- Ms. Hildebidle suggested that our policy should make note that the schools have separate policies. Mr. Heim concurred. Ms. Hildebidle suggested that maybe we should request the schools should develop a policy and that is transparent. Mr. Heim reiterated the school and town are separate entities, and town manager has no jurisdiction over the schools. We can only engage in advocacy.
- Mr. Heim pointed out that the schools might not want to acknowledge locations of cameras. Cameras might be used for "active shooter" situations, so the schools might not want to say exactly where the cameras are.

Review of Comments to Working Draft Policy Proposal:

Mr. Revilak lead a discussion reviewing the working policy draft. Before running out of time we reviewed sections 1, "Vision", through section 6.1.1, "All Town of Arlington surveillance equipment operator will." Mr. Revilak others made notes on the discussion on his copy of the draft which includes items not in these minutes.

- Mr. Revilak suggested combining purpose and scope.
- Mr. Nesterak asked for a definition of restricted areas.
- Mr. Khodier commented on the draft policy mentioning use cameras "in the town". Mr. Revilak suggested this is too broad. Ms. Hildebidle asked if the town can limit businesses. Mr. Heim indicated we could try to limit private property. Mr. Funkhouser suggested we start with town equipment and then move on to non-town. Someone suggested we might be able to require businesses put up signs stating that a premise is under surveillance. Mr. Revilak suggested requiring signs might need a zoning or town bylaw.
- Mr. Horowitz suggested the definition of surveillance operator be anyone authorized to access surveillance equipment.
- Regarding the policy covering recorded material, Ms. Hildebidle suggested non-recorded surveillance information also needs to be covered. "Recordings" doesn't do it.
- Mr. Revilak suggested data controller be a good name for who controls the data.
- Ms. Hildebidle suggested that defining a timeframe for retraining might be too burdensome and that she didn't want town personnel to spend all their time doing training. Mr. Streitfeld indicated that some sort of reminder is necessary so that awareness of the policy doesn't fall off consciousness. Mr. Horowitz asked if there was a standard for such training. Mr. Nesterak indicated that we could use an online training service.

Some topics covered on police use of cameras.

- Mr. Heim asked about police use of cameras. Capt. Flaherty indicated that during surveillance of a massage parlor, the Arlington police used equipment from the FBI. Mr. Khodier asked what the policy should cover regarding police. Mr. Heim suggested we specify something. Police might use dashboard cameras, body cameras, or in the future Easy Pass readers. Mr. Revilak indicated body cameras and dashboard cameras might require some special categorization. Mr. Heim will write up some language to distinguish use of such equipment by police.
- Capt. Flaherty indicated the police use cameras for evidentiary purposes. Mr. Heim indicated videos might be about domestic violence. Ms. Hildebidle suggested perhaps excluding the police department building. Mr. Streitfeld indicated that he was concerned about use of surveillance equipment outside the police department building and thus an exception for that building was okay.

We discussed data that might be obtained that could be used to track and identify individuals that might not be thought of as surveillance information.

- Mr. Funkhouser spoke of GIS which takes still pictures all over time via flyovers. It is used for various purposes including property assessment, forming maps, wetland analysis, and tree canopy assessment.
- Mr. Heim asked about other types of info gathered passively. He indicated we track town vehicles. We track who voted. How about web sites? How about information for web transactions like knowing IP address of user? Can we control limits on using data? Should such data be secured so that it isn't used by others? Should department heads need to audit what surveillance capabilities they have? Until something is thought of as surveillance tech, one might not know that it could be sued for surveillance. Dave Good: MAC address tracking didn't originally occur to him as being surveillance info.
- Mr. Khodier suggested distinguish between recording and logging. Logs might not be covered. Logs are not meant for surveillance.
- The question came up about information from 3rd party providers like Lime Bikes. The town gets information from them that is not personally identifiable. If the police wanted such info, it would need to be subpoenaed. The question was asked about anonymous info about a bike going between someone's home and someplace else on a daily basis. A 3rd party might not consider such information to be surveillance information.
- Mr. Nesterak indicated that in a bank, only some people can access a customer's social security numbers.
- Someone asked if busses share camera info. Cap. Flaherty said the police at one point got information from bus camera for an accident investigation. Someone else suggested that maybe we should have all 3rd party info go to one entity to control access to the data. Mr. Streitfeld asked how about if there is no intent to use info for surveillance purposes. Mr. Nesterak suggested such data might be used inappropriately. WAP (Wireless Access Points) info can be used to troubleshoot and find usage info, but also track an individual.
- Mr. Nesterak indicated that Lime Bike might keep credit card info. Someone else responded that credit card company contracts control use of such data. Ms. Hildebidle indicated schools need to safeguard things like purchasing stuff with a credit card from a school. Marketers would want to use information from school vendors or schools for marketing. Mr. Nesterak said there is liability associated with a credit card. Ms. Hildebidle asked what if we added a clause to understand how 3rd parties use info? Something like the town must take care with information exchanged with 3rd parties. Mr. Revilak suggested that when someone buys a pizza at school, we want to keep secondary purposes from coming in such as identifying people versus just assuring payment. Mr. Good indicated that the town maintains ownership of data sent out, and expects 3rd parties to maintain ownership of their information.

Adjournment:

Mr. Funkhouser moved to adjourn. Mr. Revilak seconded.