

Board and Commission Council Committee Agenda Item Request

Name of Board or Commission: Public
Safety Commission

Request Number: 20180402 -005 Recommendation for an appointment t to ARIC

Description of Item: City of Austin Community Advocate Appointee to the Austin Regional Intelligence Center Privacy Policy
Advisory Committee

Board or Commission Vote to refer item to Council: Vote – For: 9
Against: 0 Abstain: 0 Absent : 1 (Commissioner Brian Haley)

Date of Approval of Request:
April 2, 2018

Attachments: ☒ Yes ☐ No

If yes, please list the attachments: A recommendation from the PSC Board

Attest:

Janet Jackson, Board Liaison, Austin Police Department

MAYOR'S OFFICE USE ONLY

Council Committee Assigned:

- ☐ Audit and Finance Committee
- ☐ Austin Energy Utility Oversight Committee
- ☐ Mobility Committee
- ☐ Health and Human Services Committee
- ☐ Housing and Planning Committee

Recommend a Fiscal Analysis be completed?

Recommend a Legal Analysis be completed?

Notes:

Mayor Signature & Date:



Public Safety Commission Recommendation no. 20180402-005

**Regarding City of Austin Community Advocate Appointee to the
Austin Regional Intelligence Center Privacy Policy Advisory Committee**

Date: April 2, 2018

Subject: City of Austin Community Advocate Appointee to the Austin Regional Intelligence Center
Privacy Policy Advisory Committee

Motioned By: Commissioner Rebecca Webber

Seconded By: Commissioner Preston Tyree

Whereas, the Interlocal Agreement between the City of Austin and its regional partners establishing the Austin Regional Intelligence Center [ARIC] includes the following provisions regarding ARIC's Privacy Policy and ARIC's Privacy Policy Committee [Committee]:

IV. GOVERNANCE AND OVERSIGHT

...

A. The Executive Board shall be comprised of the heads of the five major Law Enforcement entities in the Austin-Round Rock metropolitan area, or their designee(s), and chaired by the APD police chief or designee. The Executive Board shall meet as needed and agreed upon by Board members. This Board shall:

...

e. Review and update the ARIC Privacy Policy annually based upon recommendations by the Privacy Policy Advisory Committee (described below), and changes in applicable law;

f. Shall provide an annual report to Partner Agencies on the status and efficacy of the Privacy Policy and ARIC based upon internal and external audits conducted and/or coordinated by the ARIC Operational Management Team (described below).

...

VI. COMPLIANCE WITH LAWS REGARDING PRIVACY, CIVIL RIGHTS, AND CIVIL LIBERTIES

A. Privacy Policy.

The information shared between the parties will be handled in accordance with Austin Regional Intelligence Center Privacy Policy (Privacy Policy) and the “Criminal Intelligence Systems Operating Policies” 28 CFR Part 23, U.S. Executive Order 12291. The Privacy Policy, as accepted by the Department of Homeland Security, shall be adopted by the Executive Board prior to the Center becoming operational.

All personnel assigned to ARIC, Partner Agency personnel, personnel providing information technology services to ARIC, and any other authorized users will comply with the ARIC Privacy Policy. The Privacy Policy shall apply to all information and intelligence the Center gathers or collects, receives, maintains, stores, accesses, discloses, or disseminates to Partner Agencies (including federal Information Sharing Environment participating centers and agencies), and participating justice and public safety agencies, as well as to private entities, and the general public.

B. Privacy Policy Advisory Committee.

a. The Privacy Policy Advisory Committee (Committee) shall review the Privacy Policy annually to ensure safeguards, and sanctions are in place to protect personal information, and shall advise the Executive Board of ARIC of its recommendations based upon the purpose and mission statements of ARIC.

b. The Committee shall annually select from its membership a chair and any additional officers that the board finds appropriate. A person may not serve as the chair for more than two consecutive years. Upon selection of the chair and additional officers, the Committee shall agree upon the meeting schedule and other operational procedures.

c. The Committee shall include the following, as selected by the governing bodies or their designees:

1. a community advocate, as selected by the City of Austin;
2. a licensed attorney, as selected by Hays County;
3. an information privacy advocate, as selected by the City of Round Rock;
4. a criminal justice expert, as selected by Travis County; and
5. a law enforcement expert, as selected by Williamson County.

d. The Committee shall provide an annual report to the Partner Agencies that

contains any proposed changes to the Privacy Policy along with the results of any discussion and review by the Executive Board regarding such changes.

e. The Committee shall comply with the Texas Government Code, Chapter 551 (Open Meetings Act) to the extent not otherwise required by Chapter 551 or other state or federal law or rule.

Interlocal Agreement, *available at*

https://arictexas.org/html/aric_general_interlocal_with_council_changes_060910.pdf.

Whereas, the ARIC Privacy Policy Advisory Committee met only once in 2016, held no meetings in 2017, and has no meetings yet scheduled for 2018.

Whereas, ARIC's Executive Board did not meet with the Committee in 2016 or 2017.

Whereas, the Committee did not issue an annual report in 2016 or 2017.

Whereas, APD made several unsuccessful attempts in 2017 to encourage the Chair of the Committee (Hays County's Appointee) to convene a meeting of the Committee. That Chair has now resigned. APD reports that the four current members of the Committee are taking steps to elect a new Chair and meet soon however a meeting date has not yet been determined.

Whereas, the City of Austin's long-serving Community Advocate Appointee to the Privacy Policy Advisory Committee resigned in June 2017.

Whereas, Peter Steffensen—a local public interest attorney working at the Texas Civil Rights Project and specializing in First Amendment, civil rights, and privacy issues—submitted a letter of interest to the Public Safety Commission regarding his willingness to serve as the City of Austin's Community Advocate.

Whereas, Peter Steffensen presented to and was vetted by the Public Safety Commission on April 2, 2018.

THEREFORE, BE IT RESOLVED THAT:

The Public Safety Commission recommends that City Council appoint Peter Steffensen to be the City of Austin's Community Advocate on the Austin Regional Intelligence Center Privacy Policy Advisory Committee.

The Public Safety Commission further recommends that if Council remains committed to the mission and purpose of the Privacy Policy Advisory Committee that it exercise greater oversight over the Committee (including, if appropriate, directing the Public Safety Commission to assist in that oversight).

Vote

For: 9 (Commissioners Carol Lee, Rebecca Gonzales, Preston Tyree, Noel Landuyt, Ed Scruggs, Sam Holt, Daniela Nunez, Kim Rossmo, and Rebecca Webber)

Against: 0

Abstain: 0

Absent: 1 (Commissioner Brian Haley)

Attest: *[Staff or board member can sign]*

Janet Jackson, Board Liaison,
Austin Police Department

[illegible]