

RESOLUTION No.

Establish Privacy and Information Protection Principles to serve as guidance for how the City of Portland (City) collects, uses, manages, and disposes of Data and Information. (Resolution)

WHEREAS, the City of Portland has established an Open Data Program through City Council Ordinance No. 188356 that commits the City to the publication, open access, and widespread sharing of non-protected, non-sensitive Data, collected and generated by the City, and by private sector companies, nonprofit organizations, academia, and other parties working on behalf of the City; and

WHEREAS, City Council Resolution 37371 created the Smart City PDX Priorities Framework to address inequities and disparities when using Data and investing in technology-driven projects that improve people's lives. The Framework will guide how Data and Information when integrated with community engagement will be collected and used for decision-making within Smart City PDX projects; and

WHEREAS, the City of Portland has already implemented administrative, technical and physical safeguards (Information Security procedures BTS 2.01 to BTS 2.18) to ensure that Data are processed and used lawfully; and

WHEREAS, the City recognizes that while emergent Data and Information collection and communication technologies have the potential to change Portland in positive ways and to support more participatory government, a real risk exists that the use of these tools may have a negative impact on our communities, particularly on our most vulnerable populations, if privacy and information protection are not prioritized; and

WHEREAS, the City is committed to not only protecting Data collected and managed from the public or on behalf of partners, but also Data about our employees, including Personal Information, health and banking information; and

WHEREAS, the City recognizes that the ability to collect, process, use, store, and share Data and Information has and will continue to increase rapidly, requiring guidelines and policies to ensure that this ability is being executed responsibly and transparently; and

WHEREAS, the City expresses concern that the use of Automated Decision Systems, including technologies referred to as artificial intelligence, without proper safeguards has the potential to negatively affect the enjoyment of human rights, including economic, social and cultural rights; and

WHEREAS, the City recognizes that an open, secure, stable, and accessible Data, Information, and communications technology environment is important to the realization of Privacy and Information Protection for all those who interact with the City of Portland; and

WHEREAS, the City recognizes that in the absence of comprehensive Federal or State Privacy and Information Protection guidelines or policy, the City has a significant role in ensuring Privacy and protecting the Data and Information collected, used, and managed, and disposed of by the City.

NOW, THEREFORE BE IT RESOLVED, City Council commits to using these Privacy and Information Protection Principles (Exhibit A) ('Principles') when considering policies and projects that require the collection, use, management and disposal of Data and Information; and

BE IT FURTHER RESOLVED, City Council directs staff at the Bureau of Planning and Sustainability and Office of Equity and Human Rights to work with other City of Portland bureaus, including the Bureau of Technology Services, to identify and develop a process for creating, reviewing, implementing and strengthening equitable and anti-discriminatory policies and procedures that promote these Principles. This will include determining the staff and budget resources needed to implement this process as part of an overall Data Governance strategy for the City; and

BE IT FURTHER RESOLVED, City Council directs staff at the Bureau of Planning and Sustainability and Office of Equity and Human Rights to make recommendations to assure community involvement in the review of City procedures, practices and policies to assure the full and effective implementation of the Principles.

Passed by the Council,

Mayor Ted Wheeler
Commissioner Amanda Fritz

Prepared by: Hector Dominguez
Date Prepared: February 22, 2019

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Mary Hull Caballero
Auditor of the City of Portland
By

Deputy

EXHIBIT A

City of Portland Privacy and Information Protection Principles

The City of Portland (City) is committed to become a trusted Data and Information steward for the communities it serves in an equitable way. Human rights principles such as privacy, freedom of opinion and expression, and democracy must guide the use of the information, digital and analog services, and procedures that the City needs to operate and do business with the public.

Robust Privacy and Information Protection processes are cornerstones for building trust among organizations and people and will promote participatory and transparent processes in the City.

Therefore, the City of Portland supports Data and Information management and sharing strategies to fulfill City purposes when aligned with the following evolving Privacy and Information Protection Principles (Principles):

Transparency and accountability- How the City uses, manages and collects information is described clearly, accurately, and shared in an accessible way. Who creates, contributes to, and has access to that information is also clearly documented and communicated to all people who entrust the City with their Data and Information.

Full lifecycle stewardship – Data, Metadata and Information will be secured and protected throughout its life cycle. That includes collection, storage, use, control, processing, publication, transfer, retention and disposition.

Equitable Data management - The City of Portland will prioritize the needs of marginalized communities regarding Data and Information management, which must be considered when designing or implementing programs, services, and policies.

Ethical and non-discriminatory use of Data - The City of Portland has an ethical responsibility to provide good and fair stewardship of Data and Information, following existing non-discriminatory protections, and commits due diligence to understand the impacts of unintended consequences.

Data openness – Data, Metadata and Information managed by the City and by third parties working on behalf of the City that are made accessible to the public must comply with all applicable legal requirements and not expose any confidential, restricted, private, Personal Information or aggregated data that may put communities, individuals, or sensitive assets at risk.

Automated Decision Systems - The City will create procedures for reviewing, sharing, assessing, and evaluating City Automated Decision System tools, including technologies referred to as artificial intelligence, through the lens of equity, fairness, transparency, and accountability.

Data utility – All Information and Data processes must bring value to the City of Portland and the communities the City serves. The City will collect only the minimum amount of Personal Information to fulfill a well-defined purpose and in a manner that is consistent with the context in which it will be used.

EXHIBIT B

City of Portland Privacy and Information Protection Principles Definitions

Automated Decision System: A process, set of rules, or tool based on automated processing of data to perform calculations, create new data, or to undertake complex reasoning tasks. This includes advanced methods like artificial intelligence and machine learning, visual perception, speech or facial recognition, and automated translation between languages.

Data: Statistical, factual, quantitative, or qualitative information, in digital or analog form, that is regularly maintained or created by or on behalf of a City bureau and is in a form that can be transmitted or processed.

Data Governance: Definition of policies, processes and framework of accountability to appropriately manage data as a strategic asset.

Digital Age: This current era whereby social, economic and political activities are dependent on information and communication technologies. It is also known as the Information Age or the Digital Era.

Information: Information is the result of Data being processed, organized, structured or presented, allowing it to be used and understood.

Information Protection: A system of Data processing practices related to personally identifiable or identifying Data for the protection of privacy. This includes the management of individual pieces of personal Information, securing Data against unauthorized access, corruption or loss.

Metadata: A set of Data that describes and gives information about other Data, including its description, origination, and accuracy.

Open Data: Data that can be freely accessed, used, reused and redistributed by anyone.

Personal Information: information about a natural person that is readily identifiable to that specific individual. Personal information includes such things as an individual's name, address, and phone number.

Privacy: The ability of an individual to be left alone, out of public view, and in control of information about oneself.