Portland City Council
Surveillance Policy Worksession
January 11, 2022

1. Mayor, Commissioners.

2. My name is Alan Hipólito, I use he/him pronouns. I work for a Portland-based nonprofit named suma. Per our tax-exempt mission, "suma creates platforms for digital organizing, enterprise and justice."

3. I'm from New Orleans, Louisiana in the USA. My father is from Tamazunchale in the mexican state of San Luis Potosi, and my mother is from New Orleans.

4. In the words of your friend and mine, Rey España, it's a blessing to be here with you today.

5. To start, I'd like to echo earlier testimony that offered many specific reasons why a surveillance policy is important and identified key considerations and processes ahead. I'll try to specifically reference earlier points where I can.

6. But at the start, I'd also like to make sure to acknowledge the many BIPOC community leaders and scholars who have worked for years to raise awareness about and provide policy solutions for the unique surveillance and data extraction harms faced by low-income people, people of color, the disabled, and other communities on the frontlines of technological change, leaders and scholars like Ruha Benjamin, Safiya Noble, Joy Buolamwini, Shireen Mitchell, Charlton McIlwain and many others.

7. Primarily, it should be clear that making is kind of policy is within your purview and your responsibilities. Today, technology policymaking is fundamental to governing -- in the most basic sense of promoting health, safety, general welfare, &c with and for Portland residents regarding matters of technology. Much like what were once new policymaking areas like transportation, housing or environment, technology's impact has grown to the point where sustained public sector attention is needed.

8. And it's important for this policy direction to be set at the Council level. My hope is that Portland, like many governments, is recognizing it absolutely has to transition from reactive, episodic tech policymaking to an inclusive, transparent and well-organized tech policymaking practice – as Kevin Martin, Ginger Armbruster and others have mentioned.

9. Without this transition, it's important to recognize that policy direction will nonetheless be set, but not by community working with the City, and not in a purposeful and inclusive way. Instead, policies will be developed by the private companies who market technology services and products, including surveillance technologies, and – as Commissioner Hardesty noted – by the City staff who buy these products and services. That's a bad way to make policy.

10. Secondarily, as mentioned earlier, the facial recognition technology bans were just the beginning of our responsibility to co-create policy with communities on the frontlines of technological change.

11. I'd also like to speak to this responsibility: safety and welfare are at stake, esp. for low-income and people of color Portlanders. We shouldn't be surprised. Tech folks often talk about early adopters, those who are the first to see opportunity in new technology. Well, racism and inequality are the original early adopters, they take the first seats at the table anytime we create something new, turning technology into a tool that increases systemic disparities.

12. Let me say that again -- it's well-established that technological advances tend to increase disparities between the haves and have nots, advantages are pressed and vulnerabilities are deepened, like Romeo shared.

13. To be clear, we *are* talking about vulnerabilities in our frontline communities. Whether you look at in national work by the individuals I mentioned earlier, at scholarship by groups like the Brennan Center or Data & Society, at Sarah's comments or at grassroots conversations that we have at the community level -- low-income people, people of color, and other frontline communities, in Portland and elsewhere, are acutely aware of a range of digital privacy harms, but also believe that it would be difficult to access the tools and strategies that could help them protect their personal information online.

14. This is important -- it is challenging for even the most tech-savvy individual to understand and counteract the different ways they might be surveilled or their data might be extracted. The reality of this challenge at the individual level -- that it's incredibly difficult for an individual Portlander to stay on top of who or how might be surveilling them or their data -- is why we need City policy, and also why we need to build and cultivate tech capacities like those represented on Oakland's Commission.

15. Lastly, process. Many of y'all are familiar with the frontline-led process we lifted up to address the digital divide in 2020, where community members (low-income, BIPOC, disabled) designed and scaled a tech kit program that got thousands of devices into the hands of Portlanders at risk of digital isolation via trusted community intermediaries. That program was successful in part because it was community led, because the City deployed its resources in support of designing and implementing a community vision.

16. I'd also like you, therefore, to view this surveillance policy's development as an extension of this viable model, and as another step away from a patchwork of activities and staff spread across multiple bureaus and toward an inclusive, transparent and robust technology policymaking structure in the City of Portland. I'd like you to view this surveillance policy's development as an investment in those communities on the frontlines of technological change so they can lead us to a just and community-centered digital future.

17. This is vitally important because there will be many more issues to come. Some, like FRT did, will require urgent Council action, and a robust technology policymaking structure can help guide Council as to when and why such urgent actions are necessary. Other issues will be more suitable to a slower and more deliberate process, and an improved structure can ensure that we're centering and resourcing frontline voices in those processes as we wrestle with issues like platform accountability, shared mobility data, ultra-wideband technology, algorithmic decision-making, and so on and on and on.