

Data Privacy Guidelines

January 2021

Overview: Data privacy and security are core values of our organization. To successfully provide a high quality of life for those that live, work, and play in Long Beach, it is critical that we build public trust through excellence in data privacy, data security, and community engagement. The following Data Privacy Guidelines assert the City's core values on protecting the privacy and information security of our constituents. They are intended to provide a framework to help the City and partners incorporate privacy by design as we deploy new technologies and new services in Long Beach.

Note: The California Consumer Protection Act (CCPA), which went into effect January 1, 2020, provides a set of consumer rights governing data collection requirements for businesses. It does not apply to public agencies at this time, though City vendors that meet CCPA eligibility requirements must comply. The City supports the intent behind the CCPA (and subsequent amendments such as the California Privacy Rights Act which passed in November 2020), and we strive to adhere to the guidelines below which are based upon CCPA requirements. The City is also required to comply with data transparency laws such as the California Public Records Act, which provides fundamental rights to the public to access government information.

Key Terms:

- *Data privacy:* The practices taken to govern the collection, protection, and sharing of personal and confidential information.
- *Smart city:* A city that uses emerging technology and data to manage complex city operations, efficiently deliver services, and improve the quality of life.
- *Equity:* When everyone can achieve their highest quality of life no matter their background. Often used in the context of race.
- *Personally identifiable information (PII):* Data that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal data.
- *Algorithm:* A process or set of rules that a computer needs to do to complete a task.
- *Artificial intelligence (AI):* Machines that have the ability to "learn" and "problem solve."
- *Data stewardship:* The management and oversight of data to help provide individuals with high-quality data that is easily accessible in a consistent manner.

Purpose: Every day, Long Beach residents, visitors, and business owners trade personal privacy for convenience. For example, a City app that allows you pay for parking with your phone could also transmit anonymized data to City officials to better manage demand for parking. As smart city technologies become more commonplace, the City and its vendors will inevitably collect data that if not managed properly may put certain communities and individuals at risk. These technologies aren't inherently good or bad, however through their design and implementation, they can be exploited to do harm. In particular, underserved and marginalized communities face disproportionately negative impacts from misuse of data.

The Data Privacy Guidelines are meant to augment – not replace - existing laws, rules, and regulations that apply to our technology projects and services. The City values privacy as an expectation and given right, and will advocate for our constituents to have greater control over the collection and use of their personal information.

Methodology: The City's Technology & Innovation Department worked closely with the resident-led Technology & Innovation Commission to develop the Data Privacy Guidelines. City staff and Commissioners led over 20 focus groups, workshops, and interviews with key community-based organizations and stakeholders. The Commission also developed a multi-lingual Data Privacy Survey, which yielded over 450 responses on residents' data privacy preferences.

What's Next: The Data Privacy Guidelines represent a first step towards operationalizing privacy in our City programs, technology projects, and services. Following the adoption of these Guidelines, the City will provide technical guidance to all City Departments and continue to work with appropriate City Commissions, Long Beach residents, and other local stakeholders to embed these guidelines within City policies, contracts, procedures, trainings, educational campaigns (for both City staff and Long Beach residents), software applications, and legacy systems.

The City will advocate for state and federal legislation consistent with these Guidelines, and revisit and update these Guidelines on a recurring basis.

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Guidelines: The City of Long Beach and its partners will strive to uphold the following Data Privacy Guidelines:

1. **Long Beach will be publicly transparent and accountable** in its collection and management practices of personal data, notwithstanding data requirements mandated by law. This pertains to both intended and potential uses of data, as well as data collection changes over time. The City will solicit individuals' consent when their information is being collected and used. Information will be provided in non-technical language and in English, Spanish, Tagalog, and Khmer in compliance with the City's Language Access Policy.
2. **Long Beach will work to provide participatory, responsive feedback channels** for residents to inform the City's data collection and usage practices, exercise privacy complaints, and ensure the City is held accountable to these Guidelines. The City will equitably educate communities on its data privacy practices and inform residents how and why the City may be using personal data.
3. **Long Beach will advance digital equity** and prioritize the needs of marginalized communities on matters pertaining to data and information management. The City will enable underserved Long Beach communities to harness digital opportunities and will prioritize these same communities in providing access to data privacy protections.
4. **Long Beach will use data in an ethical and non-discriminatory manner** to not reinforce existing racial biases and prejudiced decision-making. Emerging technology promises many benefits, but may exclude, harm, and even criminalize already marginalized populations if not carefully managed.
 - a. **Long Beach will leverage a racial equity lens** to examine the burdens, benefits, and unintended consequences of data collected for technology projects and applications. The City will practice data integrity and use data for stated and public purposes.
 - b. **Long Beach will never sell, or permit vendors to sell, personally identifiable information (PII) data to third parties and will only use collected data to serve the public good and to bring value to our communities.** Long Beach will limit collection and sharing of personal data for only purposes which are directly relevant and necessary to accomplish a clearly-communicated purpose. This extends to data sharing between third parties. Long Beach will never share PII data with independent third parties without first soliciting individuals' consent unless we are legally required to do so in connection with law enforcement investigations, mandatory contractual obligations, Public Records Act (PRA) requirements, or other legal proceedings. In these cases where the City must disclose PII as required by law, Long Beach will

work to provide notice to affected individuals where possible unless doing so compromises a law enforcement investigation.

- c. **Long Beach will ensure human review of decision frameworks made by algorithms and AI.** Algorithmic and artificial intelligence (AI) technology is increasingly complex and mysterious. The City will use evidence-based practices to evaluate potentially discriminatory consequences of this technology and require human involvement on any decision-making schemas and training input that are informed by outcomes of AI, machine learning algorithms, and related technology.
5. **Long Beach will practice ethical data stewardship** throughout the data lifecycle to minimize misuse of personal data.
 - a. **Long Beach will anonymize, deidentify, and/or aggregate** personal information for any City purposes when access to individual records is not expressly needed.
 - b. **Long Beach will work to ensure residents can access and correct their personal data** and provide individuals with the ability to opt out of data collection (without jeopardizing City service quality) when it is not required for a City service.
 - c. **Long Beach will securely retain and store data** only as long as it is needed and in a manner that is consistent with both applicable laws and the context in which it was collected.