



October 4, 2018

Berkeley City Council
City of Berkeley
2180 Milvia Street
Berkeley CA 94704

Honorable Mayor Jesse Arreguin and Council Members: Ben Bartlett, Cheryl Davila, Lori Droste, Sophie Hahn, Linda Maio, Susan Wengraf, Kriss Worthington

Re: IKE Smart City Kiosks

Dear Honorable Council Members,

We are writing today in the hopes of getting some answers to questions regarding the IKE kiosks that you are engaging in a franchise agreement with Visit Berkeley to implement.

Oakland Privacy is a citizen's coalition that works regionally to defend the right to privacy and enhance public transparency and oversight regarding the use of surveillance techniques and equipment. As experts on municipal privacy reform, we have written use policies and impact reports for a variety of surveillance technologies, conducted research and investigations, and developed frameworks for the implementation of equipment with respect for civil rights, privacy protections and community control. In working with the City of Berkeley to create a surveillance oversight ordinance, our hope was to generate a municipal culture where questions of user privacy and datasharing were taken with the utmost seriousness, whether used for a law enforcement purpose or in a touristic and service-oriented capacity. Full understanding of operations should precede deployment.

In examining various documents, including the franchise agreement attached to the September 25 meeting agenda, the privacy policy on the IKE Smart City website which Mr. Scantland suggested taking a look at, and the IKE website in general, we are left with some questions regarding some specific aspects of how the kiosks work.

As much of the deployment of smart city technology is in its infancy, there are inevitably questions to be answered. We are aware of the large amount of work that goes into any municipal contract and the desire not to increase it, but we believe the public that will go about their business in the vicinity of the kiosks and those who will choose to engage with them, deserve and are entitled to a clear understanding of how they will work.

Our questions encompass six areas of operations and if possible, we would like to request written answers to these questions.

Cameras

Will the kiosks deployed in Berkeley have cameras or will they not? Mr Scantland seemed to indicate that the kiosks would not have cameras at the 9/25 council meeting, but the IKE Smart City privacy policy, the franchise agreement, and the devices pictured on the product website do contain cameras, and obviously a feature called a “selfie photo booth” requires a camera to be installed in the kiosk.

1. Please indicate if the units contain a camera, and if so the quantity per unit and the make of the equipment.

Pedestrian Analytics

The franchise agreement refers to pedestrian analytics as a service the kiosk performs for the franchise operator. It is unclear to us how the pedestrian numbers are assessed, where the data collected goes for analysis and where the completed analyses are returned to.

2. Please explain how data on pedestrian traffic in the vicinity of the kiosks is captured. (Using a camera? A microphone to measure footsteps?)

3. Please explain where the pedestrian data is sent to be analyzed and what software is used to analyze it?

4. Please explain who will be the end user and what will be received by the end user of the pedestrian analytics? (i.e. summary stats, raw data, both)

Environmental Monitoring

The franchise agreement refers to environmental monitoring as a service the kiosk performs for the franchise operator. It is unclear exactly what environmental factors are being measured and what equipment is being used to do so.

5. Please explain what environmental factors are being monitored (temperature, smog, humidity, others) and what equipment is being used for doing that measuring. (Thermometers, filters, infrared devices, others).

6. Please explain where the data collected for the monitoring goes, and if there is an end user, who it is and what data, if any, they receive from the kiosks regarding the environmental conditions at the kiosk location?

Third Party Partners

Both Mr. Scantland during his presentation and IKE's privacy policy refer to third party partners who provide apps to the kiosk and may collect personally identifying information via their apps. We understand and agree with Mr. Scantland that those companies have their own policies in effect, but it is difficult to take the advice to check the privacy policies of those companies without knowing who they are and what apps they are providing to the kiosk.

7. Please provide a list of IKE's third party partners who will have apps on the Berkeley kiosks and the names of the applications they will provide

Data Storage

Ike's privacy policy indicates that camera footage will be stored for 30 days. 30 days of 24/7 video footage from 31 kiosks is an extensive amount of video footage. It is not clear where that video footage will be stored, whether it is on a hard drive within the kiosk or whether the footage is being uploaded to a server location and where that location would be. IKE's privacy policy also indicates that stored footage is available to LEA's "in the interests of public safety", so are there parameters for what that constitutes. Are these cameras treated equivalently to other private surveillance cameras in the City, despite the municipal involvement? Does accessing the IKE footage require a case # as accessing the NCRIC license plate reader database does?

8. Please indicate the location where stored video footage will be held?

9. Please indicate the parameters under which stored video footage in an IKE would be released to Visit Berkeley, the City of Berkeley, Berkeley Police Department or any other entity?

Sensitive Data

While the below may not be the only areas of interactivity available on an IKE that cover so-called "sensitive data", the availability of addiction recovery services and assistance is certainly something that falls into that category. The process if and when a person searches for the availability of inpatient or outpatient treatment for drug abuse or alcoholism on an IKE kiosk isn't entirely clear.

10. If someone uses a kiosk to inquire where they can get help for abusing drugs and addiction, what information about them is collected? IP address/kiosk, location, time of inquiry, picture (?), other (?).

11. Is it possible to make such a sensitive inquiry anonymously?

12. Assuming their inquiry is forwarded, is it forwarded to the City of Berkeley, to a service provider directly, to a third party app, to Visit Berkeley?

The answers to these dozen questions, in addition to being of use to the Councilmembers in helping them to understand more comprehensively the operations of the kiosks, will be of general interest to the public when considering whether to install the kiosks on their commercial corridors and will ensure that once installed, the kiosks meet the expectations of the residents.

Thank you in advance for your answers.

Sincerely,

Tracy Rosenberg and James P. Massar
Members, and on behalf of, Oakland Privacy

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