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Santa Clara Enacts First in Country Surveillance Equipment Transparency Law

Unanimous Vote Sets The Stage for Widespread Adoption

San Jose—On June 7, as California voters went to the polls, the Santa Clara County Board of Supervisors unanimously endorsed a sweeping transparency ordinance that will require a public review process for the purchase and use of all surveillance equipment, including cell phone interceptors, infrared cameras, automated license plate readers, drones, and facial recognition software. It will continue to apply to new technologies as they are developed and put into use.

Brian Hofer, a member of the Oakland Privacy Working Group and the chair of Oakland's Ad-Hoc Municipal Privacy Commission commented: "Tuesday's unanimous vote by the Santa Clara Board of Supervisors is another encouraging example of elected leaders being responsive to a community's desire for greater transparency into law enforcement use of surveillance equipment". Oakland's Ad-Hoc Privacy Commission has already recommended implementation of a similar ordinance in the city's Domain Awareness Center privacy policy which was passed unanimously by Oakland's City Council in June of 2015.

The ordinance, described as a "[pioneering spy-tech law](#)" by the *San Jose Mercury News*, mandates a pre-purchase review for all equipment, preparation of a use policy detailing acceptable uses and privacy protections, and an annual report back on how the equipment was used and its effectiveness.

Firmly grounded in the right to privacy contained in California's state constitution, the ordinance formalizes local government oversight by using civic processes accessible to the public to pierce the veil of secrecy that often surrounds the purchase and use of high-tech spying equipment.

Tracy Rosenberg, a member of the Oakland Privacy Working Group and director of Media Alliance commented: "Surveillance equipment gathers huge amounts on data on all of us, whether or not we are suspected, or guilty, of any wrongdoing. What happens to that data, and how we exercise accountability for overreaches and abuse, is critical. The Bay Area is leading the nation in proactively addressing that question".

Numerous cities and counties are expected to adopt the legislation now that Santa Clara County has moved forward with a unanimous vote. The process is already partially under way in the cities of Oakland and Palo Alto, the county of Alameda, and at the Bay Area Rapid Transit District.

The ordinance was sponsored by District 5 supervisor Joe Simitian and developed by Restore the Fourth, the ACLU and the Oakland Privacy Working Group and supported by many civil liberties and civil rights groups including the Electronic Frontier Foundation, the Asian Law Caucus, the Council on American Islamic Relations (CAIR), The Peace and Justice Centers of San Jose and the Peninsula, Color of Change, Code Pink and Working Partnerships.

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The Oakland Privacy Working Group is a citizens coalition that works regionally to defend the right to privacy and enhance public transparency and oversight regarding the use of surveillance techniques and equipment. OPWG was instrumental in the creation of the first standing citizens municipal privacy commission in the City of Oakland and has engaged in successful privacy-enhancing legislative efforts with numerous Bay Area cities and counties and the California State Legislature.