



**ELECTRONIC FRONTIER FOUNDATION**  
Protecting Rights and Promoting Freedom on the Electronic Frontier

Statement of Adam Schwartz  
Electronic Frontier Foundation

*In Support of  
Santa Clara County Ordinance on Surveillance Transparency*

Santa Clara County Board of Supervisors  
June 7, 2016

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Good morning. I'm Adam Schwartz. I'm a resident of Santa Clara County. I'm also a lawyer at the Electronic Frontier Foundation. EFF is a non-profit group that protects civil liberties in the digital world.

On behalf of EFF and its 26,000 members, thank you for allowing me to speak this morning in support of the proposed ordinance on transparency in government surveillance technology.

New technology has the power to improve our lives. It can make our government more accountable and efficient. But it also can intrude on our privacy and chill our free speech.

Each new government surveillance technology raises a thicket of difficult questions. Should it be adopted at all? What are the benefits and costs? Will it actually make us safer? What are the privacy safeguards?

These questions should be answered by the Santa Clara County Board, before any county agency adopts a new surveillance technology. The general public should be heard, too. When all concerned stakeholders participate, we make better decisions.

And so, EFF respectfully asks the Santa Clara County Board to adopt a new standard operating procedure. It would require the following steps before any county department adopts new surveillance technologies.

First, the department should ask the County Board for permission.

Second, that department should give the County Board an anticipated surveillance impact report, and a proposed use policy.

Third, the County Board should discuss and decide the issue at a regularly scheduled meeting, with notice to the public, and an opportunity for the public to be heard.

Fourth, the County Board should decide whether the benefits of the surveillance technology outweigh its costs.

Finally, if the County Board approves a new surveillance technology, there should be an annual review process.

This approach would build on recent state legislation. Senate Bills 34 and 741 require similar processes for two surveillance technologies: cell site simulators, and automatic license plate readers. The proposal here would apply to additional surveillance technologies.

Public safety requires trust between law enforcement and the community served. To ensure that trust, we need a transparent and informed process for deciding whether to adopt new surveillance technologies.

Thank you.