

Analysis

This ordinance, as substituted, amends Section 13.08.080 of the Metropolitan Code to restrict Metro from entering into agreements or contracts to acquire surveillance footage or data captured by technology owned by a person or business without the direct consent of that person or business. Section 13.08.080 was enacted by Ordinance No. BL2017-646 to limit the use of "surveillance technology" beginning on July 1, 2017. Approval by the Council is required before any department, board, or commission, or any individual acting on their behalf, installs unmanned surveillance technology on any public right of way. Additionally, Council approval can be granted only upon determination that the benefits to citizens and residents of Nashville outweighed the costs; that the proposal will safeguard civil liberties; and that, in the judgment of the Council, no alternative with a lesser economic cost or impact upon civil rights would be as effective.

Section 13.08.080 lists 14 different types of equipment under the "surveillance technology" definition. In addition to typical devices (e.g., closed-circuit television cameras), the list includes technologies including as x-ray vans, biometric software and databases, mobile DNA capture technology, and through-the-wall radar or similar imaging technology.

This ordinance amends subsection C. of Section 13.08.080 to prohibit Metro from acquiring or entering into an agreement to acquire surveillance footage or data captured by technology owned by a person or business without the direct consent of that person or business absent a judicial warrant or order to the contrary.

A previous version of this ordinance contained a provision regarding license plate scanners, however, those provisions have been removed by the substituted adopted at the November 17, 2020 Council meeting.