Data Privacy Day 2020 Summary

At the September 10, 2019 meeting, the Board of Supervisors (BOS) directed Administration and County Counsel to provide regular progress reports to the BOS regarding efforts to improve the security and integrity of elections in Santa Clara County.

This progress report includes information about security measures in place to protect data contained within the voter registration database, including authorized access to election data, and penalties for gaining access to or distributing confidential voter information without authorization.

Data Privacy Day Event

On Wednesday, January 29, 2020, the Privacy Office hosted their Second Annual Data Privacy Day Event focused on Elections, Privacy, & The Public Trust. This event was open to employees and the public to better inform Santa Clara County residents of the changes impacting the upcoming elections, to include the Voter’s Choice Act (VCA). A group of panelists, all experts in their fields, discussed questions aimed at these topics and offered their input based on their respective backgrounds and professions. In addition, a brief discussion covered some of the changes brought about by the California Consumer Privacy Act of 2018 (CCPA) taking effect this year, along with a more focused discussion about the data aggregators who collect and sell voter data.

Expert Panelists

The panelist moderator, Aleecia McDonald, is an Assistant Professor at Carnegie Mellon Information Networking Institute. Ms. McDonald’s research focuses on the public policy issues of Internet privacy, and includes user expectations for Do Not Track, behavioral economics and mental models of privacy, and the efficacy of industry self-regulation. She co-chaired, and remains active in, the WC3’s Tracking Protection Working Group, an ongoing effort to establish international standards for a Do Not Track mechanism that users can enable to request enhanced privacy online. This effort brings together over 100 international stakeholders from industry, academia, civil society, privacy advocates, and regulators to reach an open, consensus-based multi-party agreement that will establish a baseline for what sites must do when they comply with an incoming request for user privacy. Aleecia’s decade of experience working in software startups adds a practical focus to her academic work, and she was a Senior Privacy Researcher for Mozilla (part-time, 2011-12,) while working for CIS as a Resident Fellow (part-time, 2011-12.) She holds a PhD in Engineering & Public Policy from Carnegie Mellon where she studied online privacy as a member of the Cylab Usable Privacy and Security (CUPS) research laboratory. Her findings have been featured in media outlets such as the Washington Post, Ars Technica, Free Press'
Media Minute. She has presented findings in testimony to the California Assembly, and contributed to testimony before the United States Senate and the Federal Trade Commission.

The first panelist, Mike Shapiro, is Chief Privacy Officer for the County of Santa Clara. Mike Shapiro brings a wide range of experience across the information privacy life cycle. In the consulting world, he excelled in leading government and industry professional teams advising clients on the most pressing privacy matters from new program development and data breach preparedness to privacy training and compliance.

With approximately 2 million residents and 22,000 County government employees in the heart of Silicon Valley, Mike is working to create an enterprise privacy program in support of constituent and employee privacy alike. Building upon the County’s exceptional growth in technology and economic development, he also looks forward to creating the public-private partnerships necessary to establish a Privacy Center of Excellence (COE). Working with industry and academia, the COE can discuss the latest privacy threats and solutions, socialize best practices, and strive to balance responsible information sharing with privacy protections. Mike has also participated in panel discussions and initiatives involving elections privacy and security issues, along with the influence and impact that online news sources and social media have on voters and the election process.

The second panelist, Kim Alexander, is the current president and founder of the California Voter Foundation (CVF), a nonprofit, nonpartisan organization established in 1994 and dedicated to improving the voting process to better serve voters, online at www.calvoter.org. CVF is a longtime leader in advancing the responsible use of technology in the democratic process, by pioneering online voter education, online campaign finance disclosure, and voter-verified paper ballot records and auditing requirements for computerized voting systems. Current priorities include: supporting Californians' right to equal treatment and protection in the voting process; reducing the vote-by-mail ballot rejection rate; increasing funding for election administration; and advancing voting system security and meaningful auditing of ballots in California and nationwide.

The third panelist, Gail Pellerin, is County Clerk/Registrar of Voters for Santa Cruz County, California. Ms. Pellerin was appointed to the position in July 2004 after serving as the county's Elections Manager since 1993 and was elected to her third four-year term in 2018. She has more than 34 years of experience in public service, seven years working for the State Legislature in Sacramento and 26 years serving as the primary elections official in Santa Cruz County. Ms. Pellerin served as President of the California Association of Clerks and Election Officials from 2010 to 2012, has served on the Secretary of State's Voting Accessibility Advisory Committee since 2006, and has been a member of the Future of California Elections since 2011. She has authored several election guidebooks to assist voters in navigating through various election procedures, including Initiatives, Recalls, and Referendums.
The fourth and final panelist, Barbara Simons, is a former President of the Association for Computing Machinery (ACM), the nation’s largest educational and scientific computing society. She is the only woman to have received the Distinguished Engineering Alumni Award from the College of Engineering of U.C. Berkeley, where she earned her Ph.D. in computer science. A fellow of ACM and of the American Association for the Advancement of Science, she also received the Computing Research Association Distinguished Service Award and the Electronic Frontier Foundation Pioneer Award. An expert on electronic voting, she published *Broken Ballots: Will Your Vote Count?* – a book on voting machines co-authored with Douglas Jones. She has been on the Board of Advisors of the U.S. Election Assistance Commission since 2008, and she co-authored the report that led to the cancellation of Department of Defense's Internet voting project (SERVE) in 2004 because of security concerns. She was a member of the National Workshop on Internet Voting, convened by President Clinton, that conducted one of the first studies of Internet Voting and produced a report in 2001. She co-authored the July 2015 report of the U.S. Vote Foundation entitled The Future of Voting: End-to-End Verifiable Internet Voting. She is retired from IBM Research.

**Range of Topics and Questions Covered**

Through the moderated panel discussion, panelists responded to a range of important topics:

- Pressing issues between the privacy rights of voters and the data needs of other actors interested in targeting them, including election administrators, political parties, candidates, and PACs.
- What do counties do with this information, along with identifying permitted secondary users?
- What kind of information do counties collect from voters when they register to vote?
- What are the sources that campaigns and their supporters can go to obtain information about voters (e.g., data brokers, campaign contributions, survey response data either through political parties, supporters, or social media companies)?
- The tactics bad actors use to distribute false information.
- The role of local government in promoting privacy values and the integrity of our elections system.
- What are some information security practices that campaigns and their supporters can utilize to protect the voter information they collect?
- What measures still need to be taken for voters to feel confident that their votes will be counted?
- What are some of the differences between today’s voter targeting techniques and previous efforts from ten or more years ago?
- What is the difference between misinformation and disinformation?
- Measures voters can take to ensure they are circulating reliable information on social media and not spreading false news articles or posts?
The different positions social media and big techs are taking in reference to political ads, with Twitter banning them altogether, Facebook exempting them from its community standards, and Google prohibiting microtargeting and false claims.

- The effect the Voters Choice Act will have on future elections.
- Where and how voters can find legitimate sources of voting information.
- The importance and implications of signing vote-by-mail ballots.
- Ways to ensure the integrity and auditability of voting systems.

**Open Dialogue with the Public**

Unlike the County Privacy Office’s 2019 Data Privacy Day, 2020’s event was open to members of the public. After listening to the panelists discuss these key issues, the floor was opened to a productive Question & Answer session in which Ms. McDonald, Mr. Shapiro, Ms. Alexander, Ms. Pellerin, and Ms. Simons provided their perspectives on the issues members of the public posed while providing information and resources to address their concerns.

Finally, Board Supervisor Joe Simitian provided closing remarks discussing his history in dealing with election oversight, accountability, and the importance of elections and representation around the world. Overall, his remarks highlighted the need for election integrity as both a necessity to build the confidence of the people and as a pillar of our democracy.