

# Data Sharing Agreement

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## PARTIES

- ▶ The City and County of San Francisco (“City”)
- ▶ [Technology Company] (“Company”)

## PURPOSE

This Data Sharing Agreement establishes the framework and obligations under which the City and the Company will share data, specifically in the context of processing sensitive healthcare data subject to reverse warrants. The goal is to ensure that sensitive information, including but not limited to reproductive and gender affirming healthcare, is protected from unauthorized access while complying with legal requirements.

## DEFINITIONS

- ▶ **Reverse Warrant:** Any legal demand compelling the Company to provide user data based on search terms, location data, or other non-specific identifiers, including but not limited to reverse keyword and reverse location (geofence) warrants.
- ▶ **Sensitive Healthcare Data:** Any data that could directly or indirectly identify an individual as seeking or providing healthcare services, including but not limited to reproductive or gender affirming healthcare services.
- ▶ **City Controlled Data Privacy System:** The City operated API wrapper system designed to encrypt, de-identify, and securely store data before they are accessed by law enforcement.

## SCOPE OF DATA SHARING

### Data Subject to Sharing

- ▶ The Company agrees to route all data responsive to reverse warrants through the City Controlled Data Privacy System prior to any access by law enforcement.
- ▶ The types of data to be shared include, but are not limited to, search history, location data, and any other user information relevant to reverse warrants.

### Data Processing and Protection

- ▶ The City will use its API wrapper system to encrypt and de-identify sensitive healthcare data.
- ▶ The Company shall ensure that all data is encrypted in transit and at rest to the City's API wrapper system.
- ▶ Processed data will be stored in a secure, state of the art, city managed database with robust access controls in place.

### Access by Law Enforcement

- ▶ Law enforcement agencies may access de-identified data only through the secure city managed portal.
- ▶ The portal will implement robust authentication measures and comprehensive logging to ensure full accountability.

## RESPONSIBILITIES OF THE PARTIES

### The City

- ▶ Develop, maintain, and operate the City Controlled Data Privacy System.
- ▶ Ensure that the system is capable of meeting the encryption and de-identification requirements.
- ▶ Provide regular reports and audits.

### The Company

- ▶ Cooperate with the City to ensure seamless integration between the Company's data-sharing API and the City Controlled Data Privacy System.
- ▶ Promptly route all data collected during the execution of a reverse warrant to the City's system for processing.
- ▶ Ensure compliance with all applicable data protection and privacy laws.

### LEGAL COMPLIANCE AND OVERSIGHT

- ▶ Both parties agree to comply with all applicable federal, state, and local laws regarding data privacy and security.
- ▶ The City's Mayor's Office of Innovation shall provide quarterly and annual reports on the use and effectiveness of the data privacy system.

### TERM AND TERMINATION

- ▶ This Agreement shall remain in effect until terminated by either party with [X] days' notice.
- ▶ Either party may terminate this Agreement if the other party fails to comply with its obligations under this Agreement, subject to a cure period of [X] days.

### AMENDMENTS

- ▶ This Agreement may be amended only by mutual written consent of the parties.

### CONFIDENTIALITY

- ▶ Both parties agree to maintain the confidentiality of sensitive healthcare data and ensure that it is used only in accordance with this Agreement.

### SIGNATURES

- ▶ [City Attorney's Name], on behalf of the City and County of San Francisco
- ▶ [Company Representative's Name], on behalf of [Technology Company]



## OPERATIONAL DOCUMENT

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