

January 2, 2018

The Honorable Joel Anderson
California State Capitol, Room 5052
Sacramento, California 95814

**Re: SB 712 – as amended 5/1/2017
Support**

Dear Senator Anderson:

The American Civil Liberties Union of California is pleased to support SB 712, a bill that would enhance Californians' privacy by adjusting the current vehicle code to allow drivers to attach a removable cover to their license plates when lawfully parked. Covering one's license plate in this way would enable Californians to take proactive steps to protect their privacy from invasive data-gathering processes that can be used to target vulnerable populations, including immigrants and Muslims.

Automated license plate readers (ALPRs) are high-speed cameras that capture the plate numbers of any vehicle within view, including cars parked along the route a vehicle outfitted with ALPR systems travels. Law enforcement—including US Immigration and Customs Enforcement (ICE)—use ALPRs, often pooling collected data and regional databases. For example, a Californian man who filed a public records request to receive copies of images collected by his local law enforcement agency obtained more than 100 images of his vehicle in various locations, including one that showed him and his daughters exiting their car while it was parked in their driveway.¹

Private companies also operate ALPRs and have amassed billions of license plate scans, which they store indefinitely and market to law enforcement agencies and other private companies along with advanced analytical tools that promise to predict a person's travel patterns and identify associates in a given area. Several vendors at the 2017 International Association of Chiefs of Police conference, for example, touted products that include analytics from ALPR data, including Hitachi's Visualization Suite and video analytics software, Ekin's Safe City Operating System, and Thompson-Reuters' CLEAR.² Users of ALPR databases may even plug in a particular location to identify vehicles that have visited or passed nearby.

This highly sensitive location data puts a wide variety of Californians at risk, and nothing prohibits ALPR companies from making this data more widely available. One security breach could result in sensitive location data being leaked online, and these databases are ripe for abuse by individuals with access or who share their access with others. The data collected by ALPRs could be used to stalk domestic violence victims or by political campaigns to monitor their opponents. It could be used to surveil attendees of religious centers, law firms, medical centers, and protests. Immigration and Customs Enforcement (ICE) has partnered with local law enforcement in 2010 to use ALPRs at gun shows in

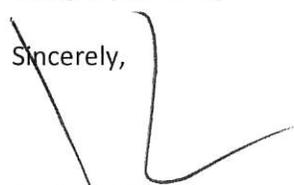
¹ Zetter, Kim. "Even the FBI Had Privacy Concerns on License Plate Readers." *Wired*, 15 May 2015.
<https://www.wired.com/2015/05/even-fbi-privacy-concerns-license-plate-readers/>.

² Stanley, Jay. "A Look at the High-Tech Gadgets Being Marketed to Police." *ACLU*, 27 Oct 2017.
<https://www.aclu.org/blog/privacy-technology/surveillance-technologies/look-high-tech-gadgets-being-marketed-police>.

Southern California.³ Though ICE temporarily halted⁴ their plans to obtain ALPR data to track undocumented immigrants after privacy advocates raised concerns,⁵ they have been seeking bids for ALPR data again despite continued privacy concerns.⁶ The FBI also temporarily stopped acquiring ALPR technology due to their concerns about the privacy issues inherent in ALPR use.⁷

Current law generally prohibits individuals from covering their license plates to avoid ALPRs but allows a person to cover their entire vehicle when lawfully parked to protect their vehicle from the elements. If a person may cover their entire car, they should be allowed to cover just their plate as well.

The impact of this bill would be to allow individuals to protect their privacy when they are engaged in lawful activity. When parked at home or when visiting a location that they would like to keep confidential—such as visiting a doctor or a therapist—they could cover their plate to protect it from being captured by ALPRs. For these reasons, the ACLU supports SB 712.

Sincerely,

Kevin G. Baker
Legislative Director


Becca Cramer-Mowder
Legislative Coordinator

cc: Members and Committee Staff, Senate Transportation and Housing Committee

³ Barrett, Devlin. "Gun-Show Customers' License Plates Come Under Scrutiny: Federal agents enlisted local police to scan cars' plates at shows' parking lots." *Wall Street Journal*, 2 Oct 2016. <https://www.wsj.com/articles/gun-show-customers-license-plates-come-under-scrutiny-1475451302>.

⁴ Nakashima, Ellen and Josh Hicks. 19 Feb 2014. "Department of Homeland Security cancels national license-plate tracking plan." *The Washington Post*, 19 Feb 2014. https://www.washingtonpost.com/world/national-security/dhs-cancels-national-license-plate-tracking-plan/2014/02/19/a4c3ef2e-99b4-11e3-b931-0204122c514b_story.html?utm_term=.436d00632f08.

⁵ Nakashima, Ellen and Josh Hicks. "Homeland Security is seeking a national license plate tracking system." *The Washington Post*, 18 Feb 2014. https://www.washingtonpost.com/world/national-security/homeland-security-is-seeking-a-national-license-plate-tracking-system/2014/02/18/56474ae8-9816-11e3-9616-d367fa6ea99b_story.html?utm_term=.51e0294d6ece.

⁶ Nakashima, Ellen. "A year after firestorm, DHS wants access to license-plate tracking system." *The Washington Post*, 2 April 2015. https://www.washingtonpost.com/world/national-security/dhs-renews-quest-for-access-to-national-license-plate-tracking-system/2015/04/02/4d79385a-d8a1-11e4-8103-fa84725dbf9d_story.html?utm_term=.7342eaea0848.

⁷ Zetter.