



January 2, 2017

Senator Jim Beall, Chair
Senate Committee on Transportation and Housing
State Capitol, Room 2209
Sacramento, CA 95814

Re: SB 712 – SUPPORT AS AMENDED MAY 1, 2017

Dear Senator Beall:

On behalf of the Electronic Frontier Foundation (EFF - Sponsor), I write today to express our support for SB 712. This bill would adjust the current vehicle code to allow drivers to attach a removable cover to their license plates when lawfully parked. This legislation is designed to provide Californians with a small amount of protection from private data brokers that collect license plate data from parked vehicles by driving through cities with vehicles equipped with automated license plate readers (ALPRs).

EFF is a member-supported non-profit organization based in San Francisco that protects civil liberties at the intersection of technology in the law. Founded in 1990, EFF has over 40,000 members around the world, including thousands of supporters in California. We are proud to serve as sponsors for this legislation.

What Are Automated License Plate Readers (ALPRs)

ALPR systems are high-speed cameras that capture the plate numbers of any vehicle that passes within view. ALPRs convert the images into machine-readable data, tag the data with a time stamp and global position, and upload the information to a central database. Just two cars mounted with ALPR systems can collect data from a city the size of Oakland in a week's time.¹

Private ALPR companies have amassed billions of plate scans, which they store indefinitely. These companies market this data to law enforcement agencies and private companies, particularly those involved in banking, insurance, and collections. Companies offer advanced analytical tools that promise to predict a vehicle's travel patterns or identify associates through vehicles often spotted in the vicinity. Users may even plug in a particular location to identify vehicles that have visited or passed nearby.

An “Unprecedented Threat to Privacy”

The collection of location data by private ALPR companies represents what The Atlantic has described as an “unprecedented threat to privacy.”²

¹ Gillula, Jeremy and Dave Maass. EFF Deeplinks. “What You Can Learn from Oakland's Raw ALPR Data.” Online: <https://www.eff.org/deeplinks/2015/01/what-we-learned-oakland-raw-alpr-data>

² Friedersdorf, Conor. The Atlantic. “An Unprecedented Threat to Privacy.” January 27, 2016. Online: <https://www.theatlantic.com/politics/archive/2016/01/vigilant-solutions-surveillance/427047/>

The data could be used to stalk domestic violence victims. It could be used to surveil religious centers, law firms, gun shows, and protests. Pro-choice advocates believe private ALPR collection may be used to target and harass patients and reproductive health providers.

Currently, nothing prohibits ALPR companies from making this data more widely available on the open market. One security breach could result in sensitive location data on millions of people being leaked online. In addition, these databases are already ripe for abuse by employees who abuse their access or inappropriately share their access with others.

What SB 712 Accomplishes

Current law prohibits individuals from augmenting their license plates to avoid ALPRs, with one important exception: a driver may cover their entire vehicle when lawfully parked to protect their vehicle from the elements.

It stands to reason that if a person may cover their entire car including their license plate, they should be allowed to cover just the license plate on its own.

The impact of this bill would be to allow individuals to protect their privacy when they are engaged in sensitive though lawful activity. When parked at home or when visiting a location that they would like to keep confidential (such as visiting a doctor) they could cover their plate to protect it from being captured by ALPRs.

The threat to privacy will only increase in severity with the advancement of technology. Private companies may soon deploy autonomous vehicles affixed with ALPRs in order to comprehensively collect sensitive location information from an entire city, almost like data-scraping Roombas for the streets. Car sharing services may one day augment their fleets with ALPRs in order to increase their profit margins.

A Minimal Impact on Law Enforcement

SB 712's would have a statistically negligible impact on public safety.

Law enforcement is primarily concerned with vehicles driving on the road. Typically, an agency will attach ALPR cameras to stoplights or along freeway corridors to capture the plates of passing vehicles. Since SB 712 only applies to parked vehicles, law enforcement would continue to collect this data on moving vehicles. Covering or masking the plate while the vehicle is in motion would still be a crime.

In addition, under SB 712, officers would still have the authority to inspect a covered plate at any time.

During the May 9, 2017 hearing on SB 712, representatives from law enforcement overstated the usefulness of ALPR data for public safety purposes. These representatives were unable to present data supporting their claims when pressed by committee members.

In the months following the hearing, EFF filed dozens of public records requests around the state to provide your committee with this information. We found that less than 0.1% of license plate data collected by police are connected to a crime at the point of collection. Yet the remaining 99.9% of the data is stored and shared anyway.

For example, the Sacramento Police Department collects on average 25-million plate scans each year. And yet, only 0.1% of those plates were connected to an active investigation at the time of collection. Nevertheless, the remaining 24.97 million are shared with more than 750 agencies nationwide with little vetting or control.

Some jurisdictions had even worse results: In 2016, the San Diego Police Department collected 493,000 plates, but only .02% (98 plates) were connected to a crime. Of those, only a single vehicle was connected to a felony. Over an unspecified 90-day period, the City of Irvine collected 217,000 plates, but again, only .02% (40 plates) were connected to a crime.

A Balanced Solution

This bill presents a balanced solution to the threat posed by ALPRs. It does not put further mandates on law enforcement. It does not create a burden for private companies. It does not require any funding from the state. Instead, it allows members of the public a way to defend their privacy from invasive data-gathering processes if they so choose.

Please do not hesitate to contact me with further questions regarding S.B 712. I may be reached by email at dm@eff.org or by phone at 415-436-9333 ext. 151.

Sincerely,



Dave Maass
Investigative Researcher
Electronic Frontier Foundation

cc: The Honorable Members of the Senate Committee on Transportation and Housing