

AMENDED IN ASSEMBLY MAY 24, 2019
AMENDED IN ASSEMBLY APRIL 30, 2019
AMENDED IN ASSEMBLY APRIL 10, 2019
AMENDED IN ASSEMBLY MARCH 25, 2019
CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1782

Introduced by Assembly Member Chau

February 22, 2019

An act to amend Sections ~~1798.90.51~~ *1798.90.5*, *1798.90.51*, and *1798.90.53* of the Civil Code, relating to personal information.

LEGISLATIVE COUNSEL'S DIGEST

AB 1782, as amended, Chau. Automated license plate recognition information: usage and privacy policy.

Existing law authorizes the Department of the California Highway Patrol to retain license plate data captured by license plate reader technology, also referred to as an automated license plate recognition (ALPR) system, for not more than 60 days unless the data is being used as evidence or for the investigation of felonies. Existing law authorizes the department to share that data with law enforcement agencies for specified purposes and requires both an ALPR operator and an ALPR end-user, as those terms are defined, to implement a usage and privacy policy regarding that ALPR information, as specified. Existing law requires that the usage and privacy policy implemented by an ALPR operator and an ALPR end-user include the length of time ALPR information will be retained, and the process the ALPR operator and

ALPR end-user will utilize to determine if and when to destroy retained ALPR information.

This bill would delete the requirement that the usage and privacy policy implemented by an ALPR operator and an ALPR end-user include the retention and destruction information described above, and would instead require those usage and privacy policies to include a procedure to ensure the destruction of all nonanonymized ALPR information no more than 60 days from the date of collection, except as provided. The bill would also require that the usage and privacy policy implemented by an ALPR operator and an ALPR end-user include a procedure to ensure that all ALPR information that is shared with an organization or individual, not including a law enforcement agency, outside of the entity that generated that information is ~~sufficiently anonymized~~ *anonymized, as defined*, to protect the privacy of the license plate holder.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1798.90.5 of the Civil Code is amended
2 to read:

3 1798.90.5. The following definitions shall apply for purposes
4 of this title:

5 (a) “Anonymize” means to redact the images of the registration
6 plates and the characters they contain from the ALPR information
7 so that the ALPR information does not identify, or does not provide
8 a reasonable basis from which to identify, an individual.

9 ~~(a)~~

10 (b) “Automated license plate recognition end-user” or “ALPR
11 end-user” means a person that accesses or uses an ALPR system,
12 but does not include any of the following:

13 (1) A transportation agency when subject to Section 31490 of
14 the Streets and Highways Code.

15 (2) A person that is subject to Sections 6801 to 6809, inclusive,
16 of Title 15 of the United States Code and state or federal statutes
17 or regulations implementing those sections, if the person is subject
18 to compliance oversight by a state or federal regulatory agency
19 with respect to those sections.

1 (3) A person, other than a law enforcement agency, to whom
2 information may be disclosed as a permissible use pursuant to
3 Section 2721 of Title 18 of the United States Code.

4 (b)

5 (c) “Automated license plate recognition information,” or
6 “ALPR information” means information or data collected through
7 the use of an ALPR system.

8 (e)

9 (d) “Automated license plate recognition operator” or “ALPR
10 operator” means a person that operates an ALPR system, but does
11 not include a transportation agency when subject to Section 31490
12 of the Streets and Highways Code.

13 (d)

14 (e) “Automated license plate recognition system” or “ALPR
15 system” means a searchable computerized database resulting from
16 the operation of one or more mobile or fixed cameras combined
17 with computer algorithms to read and convert images of registration
18 plates and the characters they contain into computer-readable data.

19 (e)

20 (f) “Person” means any natural person, public agency,
21 partnership, firm, association, corporation, limited liability
22 company, or other legal entity.

23 (f)

24 (g) “Public agency” means the state, any city, county, or city
25 and county, or any agency or political subdivision of the state or
26 a city, county, or city and county, including, but not limited to, a
27 law enforcement agency.

28 **SECTION 4.**

29 *SEC. 2.* Section 1798.90.51 of the Civil Code is amended to
30 read:

31 1798.90.51. An ALPR operator shall do all of the following:

32 (a) Maintain reasonable security procedures and practices,
33 including operational, administrative, technical, and physical
34 safeguards, to protect ALPR information from unauthorized access,
35 destruction, use, modification, or disclosure.

36 (b) (1) Implement a usage and privacy policy in order to ensure
37 that the collection, use, maintenance, sharing, and dissemination
38 of ALPR information is consistent with respect for individuals’
39 privacy and civil liberties. The usage and privacy policy shall be
40 available to the public in writing, and, if the ALPR operator has

1 an internet website, the usage and privacy policy shall be posted
2 conspicuously on that internet website.

3 (2) The usage and privacy policy shall, at a minimum, include
4 all of the following:

5 (A) The authorized purposes for using the ALPR system and
6 collecting ALPR information.

7 (B) A description of the job title or other designation of the
8 employees and independent contractors who are authorized to use
9 or access the ALPR system, or to collect ALPR information. The
10 policy shall identify the training requirements necessary for those
11 authorized employees and independent contractors.

12 (C) A description of how the ALPR system will be monitored
13 to ensure the security of the information and compliance with
14 applicable privacy laws.

15 (D) The purposes of, process for, and restrictions on, the sale,
16 sharing, or transfer of ALPR information to other persons.

17 (E) The title of the official custodian, or owner, of the ALPR
18 system responsible for implementing this section.

19 (F) A description of the reasonable measures that will be used
20 to ensure the accuracy of ALPR information and correct data errors.

21 (G) A procedure to ensure the destruction of all nonanonymized
22 ALPR information no more than 60 days from the date of
23 collection, except as authorized pursuant to Section 2413 of the
24 Vehicle Code. *Code or if the ALPR operator is a law enforcement
25 agency and the ALPR information is being used as evidence or for
26 the investigation of a felony.*

27 (H) A procedure to ensure that all ALPR information that is
28 shared with an organization or individual, not including a law
29 enforcement agency, outside of the entity that generated that
30 information is ~~sufficiently~~ anonymized to protect the privacy of
31 the license plate holder.

32 ~~SEC. 2.~~

33 *SEC. 3.* Section 1798.90.53 of the Civil Code is amended to
34 read:

35 1798.90.53. An ALPR end-user shall do all of the following:

36 (a) Maintain reasonable security procedures and practices,
37 including operational, administrative, technical, and physical
38 safeguards, to protect ALPR information from unauthorized access,
39 destruction, use, modification, or disclosure.

1 (b) (1) Implement a usage and privacy policy in order to ensure
2 that the access, use, sharing, and dissemination of ALPR
3 information is consistent with respect for individuals' privacy and
4 civil liberties. The usage and privacy policy shall be available to
5 the public in writing, and, if the ALPR end-user has an internet
6 website, the usage and privacy policy shall be posted conspicuously
7 on that internet website.

8 (2) The usage and privacy policy shall, at a minimum, include
9 all of the following:

10 (A) The authorized purposes for accessing and using ALPR
11 information.

12 (B) A description of the job title or other designation of the
13 employees and independent contractors who are authorized to
14 access and use ALPR information. The policy shall identify the
15 training requirements necessary for those authorized employees
16 and independent contractors.

17 (C) A description of how the ALPR system will be monitored
18 to ensure the security of the information accessed or used, and
19 compliance with all applicable privacy laws and a process for
20 periodic system audits.

21 (D) The purposes of, process for, and restrictions on, the sale,
22 sharing, or transfer of ALPR information to other persons.

23 (E) The title of the official custodian, or owner, of the ALPR
24 information responsible for implementing this section.

25 (F) A description of the reasonable measures that will be used
26 to ensure the accuracy of ALPR information and correct data errors.

27 (G) A procedure to ensure the destruction of all nonanonymized
28 ALPR information no more than 60 days from the date of
29 collection, except as authorized pursuant to Section 2413 of the
30 ~~Vehicle Code~~. *Code or if the ALPR end-user is a law enforcement*
31 *agency and the ALPR information is being used as evidence or for*
32 *the investigation of a felony.*

33 (H) A procedure to ensure that all ALPR information that is
34 shared with an organization or individual, not including a law
35 enforcement agency, outside of the entity that generated that
36 information is ~~sufficiently~~ anonymized to protect the privacy of
37 the license plate holder.

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