



July 30, 2012

Maryland Department of Public Safety & Correctional Services
Information Technology and Communications Division
Custodian of Records
6776 Reisterstown Road, Suite 209
Baltimore, MD 21215

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Re: Maryland Public Information Act Request / Automatic License Plate Readers

Dear Custodian of Records:

This is a request under the Maryland Public Information Act (MPIA), Md. Code Ann., State Gov't Art., §§ 10-611 to 628. On behalf of the American Civil Liberties Union of Maryland, we wish to inspect and copy the following records in your custody and control pertaining to automatic license plate readers (ALPRs). ALPRs are also sometimes referred to as Automatic Vehicle Identification, Car Plate Recognition or License Plate Recognition equipment and/or software. This request uses ALPR in reference to all of these technologies.

Records Requested

Please provide copies of the following records created from or in effect from January 1, 2006 to the present:

1. All records pertaining to your policies, practices and procedures for storing, accessing and sharing data obtained through ALPR technology;
2. All records which describe or list any internal Department of Public Safety & Correctional Services (DPSCS) databases which store ALPR data;
3. All records which describe or list any servers, portals or other electronic platforms which provide access to ALPR data and are housed, hosted, maintained, and/or operated by DPSCS;
4. All records pertaining to ALPR data stored on or accessible through the "Law Enforcement Dashboard" (Dashboard), including but not limited to documents which describe
 - a. whether ALPR data is stored on Dashboard, and if so, what type of ALPR data is stored and for how long;

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- b. whether Dashboard provides users access to external databases which store ALPR data, and if so, which databases;
 - c. third parties, governmental or private, that may access Dashboard, including what procedures third parties must go through in order to access ALPR data on or through Dashboard, and any restrictions placed on third parties regarding further sharing of ALPR data stored on or accessed through Dashboard;
 - d. any agreements to share ALPR data stored on or accessed through Dashboard with outside agencies, corporations, fusion centers, or other entities;
5. All records regarding the obtainment of ALPR data by DPSCS from local, state, or federal law enforcement agencies, including but not limited to documents which describe
 - a. which law enforcement agencies, in Maryland or elsewhere, provide ALPR data to DPSCS;
 - b. how frequently such data is received from those agencies;
 - c. any agreements regarding access, sharing, or storage of ALPR data made between DPSCS and any agency which provides ALPR data to DPSCS, including but not limited to any Memoranda of Understanding between DPSCS and that agency;
6. All records regarding the obtainment of ALPR data from non-government third parties, including but not limited to documents which describe
 - a. which private databases DPSCS can access;
 - b. which private entities provide ALPR data to DPSCS;
 - c. any terms agreed upon by DPSCS in exchange for such access;
7. All records regarding the storage by DPSCS of data obtained using ALPR technology, including but not limited to documents which describe
 - a. what types of ALPR data are stored for any period longer than an hour;
 - b. in what database or program the data is stored;
 - c. how long such data is stored;
 - d. when that data must be discarded;
 - e. how many individual license plate scan records DPSCS currently store;
8. All records regarding access to ALPR data by DPSCS employees or officials, including but not limited to documents which describe
 - a. the legal justification required before an individual accesses ALPR data;
 - b. purposes for which the data may be accessed;
 - c. purposes for which the data may *not* be accessed;
 - d. who may access the data, what procedures they must go through to obtain access, and who must authorize access;
 - e. the existence or non-existence of a system that records who accesses the data, when the data is accessed, and/or for what purpose the data was accessed;

9. All records regarding sharing by DPSCS of data obtained through ALPR technology, including but not limited to documents which describe
 - a. what type of data is shared;
 - b. which databases DPSCS contributes collected ALPR data to;
 - c. which databases DPSCS provides or facilitates access to;
 - d. third parties, governmental or private, that may access ALPR data through DPSCS, including what procedures third parties must go through in order to access the data and any restrictions placed on third parties regarding further sharing of that data;
 - e. any agreements to share ALPR data with outside agencies, corporations, fusion centers, or other entities;
10. All records pertaining to privacy policies, or drafts thereof, which are produced, propagated, or used by DPSCS with respect to ALPR data, including but not limited to the “comprehensive privacy policy” developed by the Governor’s Advisory Committee on LPRs;¹
11. All training materials used to instruct employees or officials at DPSCS in ALPR data management, and/or the operation of automated records systems that contain ALPR data to which any DPSCS employee or official has access, including regional, shared, or local agency-specific ALPR databases;
12. All records pertaining to any uniform operating procedures, or drafts thereof, which are produced, propagated, or used by DPSCS.

Pursuant to State Government Article § 10-621(e), we ask that all fees related to this request be waived. The American Civil Liberties Foundation of Maryland is a non-profit, tax-exempt organization dedicated to the public interest - protecting the civil liberties of all Marylanders and visitors to Maryland. We request this information in order carry out our charitable mission, specifically, to ensure that the policies which control the retention of and access to data gathered by ALPR technology respect the legitimate privacy concerns of Maryland’s citizens and visitors. We additionally plan to publicize any information gained from this request in order to further public understanding of how the Department of Public Safety & Correctional Services stores, utilizes, and shares information about the location and movements of people within Maryland. Particularly given the Governor’s public and intense focus on comprehensive sharing of ALPR data within Maryland, this issue is undoubtedly a matter of public interest and concern. As a nonprofit organization with regular print and web publications, we are well-situated to disseminate information obtained from this request to the general public.

If the request for a waiver of fees is denied, please advise us in writing of the reason(s) for the denial. We prefer to receive the requested records in electronic form. If that is not possible, please advise us of the cost, if any, for obtaining copies of the requested documents prior to producing any copies.

¹See <http://www.goccp.maryland.gov/msac/documents/FactSheets/LPR.pdf>.

If you determine that some portions of the requested records are exempt from disclosure, we will expect, as the Act requires in § 10-614 (b)(3)(iii), that you provide us with any “reasonably severable” portions of the records sought. If all or any part of this request is denied, please provide us with a written statement of the grounds for the denial, citing the law or regulation under which you believe you may deny access. If this is the case, we also request that you inform us of the available remedies for review of the denial.

You must respond to this request within 30 days, as required by § 10-614 (b). If no response is received within 30 days, we will treat your failure to respond as a denial and will seek appropriate judicial relief.

Thank you for your time and attention to this matter, and we look forward to receiving your response. Please feel free to contact us with any questions or concerns.

AMERICAN CIVIL
LIBERTIES UNION OF
MARYLAND

Sincerely,

David Rocah
Staff Attorney

Kathryn Bendoraitis
Law Clerk