



July 30, 2012

Edward M. Parker, Interim Executive Director
Governor's Office of Crime Control and Prevention
Hampton Plaza, Suite 1105
300 East Joppa Road
Baltimore, MD 21286

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

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

Dear Mr. Parker:

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 regarding all federal funds your office has sought or received if any portion of the funds is for ALPR equipment or systems. ALPR equipment or systems include ALPR units, databases containing ALPR data, and programs used to analyze ALPR data;
2. All records regarding which police departments or other agencies received or purchased ALPR equipment or systems using funds from grants managed, arranged or assisted by your office;
3. All records regarding any requirements imposed by federal granting agencies with respect to ALPR equipment or systems, and any records describing any requirements imposed upon state and local police by your office with respect to ALPR;
4. All records regarding any regional databases, data mining programs or other computerized management systems into which ALPR data from two or more police departments or public safety agencies is deposited, including but not

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limited to any training materials, policies, internal guidelines or procedures that govern access to, use of or auditing of said systems, including any federal guidelines or regulations which may be applicable to any such program;

5. All records regarding the purchase or sale of ALPR data to any entity;
6. All records regarding data sharing agreements that include ALPR data with any agency of the federal government, including but not limited to memoranda of understanding/agreement between your office and any division or department of the U.S. Department of Justice, U.S. Department of Homeland Security, U.S. Department of Transportation, the Federal Aviation Administration and Department of Defense;
7. All records listing the members of the Governor's Advisory Committee on LPRs, and any minutes, agendas, or other documents associated with meetings of the Committee and any sub-committee or other subsidiary of that Committee;¹
8. All records pertaining to privacy policies, or drafts thereof, which are produced, propagated, or used by your office with respect to ALPR data, including but not limited to the "comprehensive privacy policy" developed by the Governor's Advisory Committee on LPRs;²
9. All records pertaining to any memorandum of understanding, or drafts thereof, between state and local partner agencies regarding the sharing of ALPR data, including but not limited to the agreement called for in "Maryland's Three-Point Plan for License Plate Readers" as listed in the GOCPP Fact Sheet on LPRs;³
10. All records pertaining to any and all databases used in conjunction with ALPR technology and/or data to "[s]upport Maryland's homeland security mission by protecting critical infrastructure from those individuals potentially intending to damage or disrupt the systems and locations that allow for travel and the free flow of commerce," as called for in the GOCPP Fact Sheet on LPRs,⁴ including but not limited to documents which describe
 - a. which databases are utilized or referenced in conjunction with ALPR technology and data to achieve this objective;
 - b. how many names are contained in each of those databases;
 - c. who owns and/or hosts each database;
 - d. any terms agreed to by your office in exchange for access to said databases;

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

²Supra n. 1.

³Supra n. 1.

⁴Supra n. 1.

11. All records pertaining to the development of Maryland's submission to the National Governors Association's (NGA) Next Generation Justice Information Sharing policy academy, as well as any records produced in the development of Maryland's LPR data-sharing expansion project in conjunction with that NGA policy academy;⁵
12. All records pertaining to any uniform operating procedures, or drafts thereof, which are produced, propagated, or used by your office with respect to ALPR data.

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 and facilitate the use of ALPR technology, and the retention of and access to ALPR data, 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 Governor's Office of Crime Control and Prevention funds, aids, and directs the storage and sharing of 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.

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.

⁵See <http://www.goccp.maryland.gov/newsletters/spring-2012.html>.

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.

Sincerely,

David Rocah
Staff Attorney

Kathryn Bendoraitis
Law Clerk

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