



July 30, 2012

Harold M. Bartlett, Executive Secretary
Maryland Transportation Authority
2310 Broening Highway, Suite 150
Baltimore, MD 21224

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

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

Dear Mr. Bartlett:

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 since or in effect from January 1, 2006 to the present:

1. All records regarding your policies, practices and procedures for procuring and using ALPR technology, and for storing, accessing and sharing data obtained through ALPR technology;
2. All records regarding the procurement of ALPR technology, including but not limited to documents which describe
 - a. sources of funds used to pay for ALPR technology;
 - b. invoices for the purchase of ALPR technology;
 - c. interactions with vendors, suppliers and potential suppliers of ALPR technology, including materials and fact sheets supplied by vendors describing their products;
3. All records regarding the use of ALPR technology, including but not limited to documents which describe
 - a. what types of data are obtained;
 - b. number of license plates scanned and/or read in a given time period (day, month, year, etc.);
 - c. the number of ALPR units or systems acquired;

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- d. the number of vehicles equipped with ALPR technology;
 - e. for stationary and/or fixed deployments, the number and physical location of ALPR units, and any maps plotting those locations;
 - f. the technical capabilities of the ALPR units;
4. All records regarding the storage of data obtained using ALPR technology, including but not limited to documents which describe
 - a. what types of data are stored for any period longer than an hour;
 - b. how long data is stored;
 - c. when data must be discarded;
 - d. how many individual license plate scan records your agency currently stores;
5. All records regarding access to ALPR data, 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 and when the data is accessed;
6. All records regarding the sharing of data obtained through ALPR technology, including but not limited to documents which describe
 - a. what type of data is shared;
 - b. which databases your agency puts collected ALPR data into;
 - c. third parties, governmental or private, that may access your agency's ALPR data, including but not limited to what procedures third parties must go through in order to access the data and any restrictions placed on third parties regarding further sharing of your ALPR data;
 - d. any agreements to share ALPR data with outside agencies, corporations or other entities;
7. All records regarding obtainment of ALPR data from third parties, both public and private, including but not limited to documents which describe the databases your agency can access and any terms agreed to in exchange for that access;
8. All records regarding obtainment of ALPR data from Traffic Group, Inc.¹ during the Route 50/Bay Bridge project in 2007, including but not limited to documents which describe
 - a. all agreements and contracts between your agency and Traffic Group, Inc.;
 - b. what types of ALPR data Traffic Group, Inc. gathered, and what types were shared with your agency;
 - c. how many license plate scans were performed;

¹See <http://www.trafficgroup.com/projects/ALPR%20List.pdf> for a more detailed description of the project referenced in this request item.

- d. how many scans were stored by your agency and for how long;
 - e. how long Traffic Group, Inc. stored ALPR data from this project, and whether their retention of this data was restricted or in any way dictated by the terms of any agreement or contract with your agency;
 - f. any outside entities, both governmental and private, with whom your agency shared ALPR data gathered during this project, and for what purposes that data was shared;
 - g. terms of any agreement or contract between your agency and Traffic Group, Inc. which permitted, required, and/or prohibited Traffic Group, Inc. from sharing or selling ALPR data from this project to any outside entity, both governmental and private;
 - h. any privacy policy or privacy-related rules or terms agreed upon or observed by Traffic Group, Inc. and/or your agency regarding ALPR data gathered during this project;
9. All training materials used to instruct members of your agency in ALPR deployment, data management, or operation of automated records systems that contain ALPR data to which any member of your agency has access, including regional or shared ALPR databases;
 10. Any memoranda of understanding agreed upon or exchanged between your agency and the Governor's Office of Crime Control and Prevention, the Governor's Office of Homeland Security, the Maryland State Police, and/or any other regional or statewide agency, which pertain to the development of standard operating procedures concerning ALPRs, the sharing of ALPR data, and/or any other issue regarding ALPRs;
 11. All records pertaining to any standard operating procedures, or draft thereof, observed by or agreed upon by your agency concerning the use and/or sharing of ALPR data;
 12. All records pertaining to any privacy policy, or draft thereof, produced, propagated, or observed by your agency 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 to carry out our charitable mission, specifically, to ensure that the policies which control the use of ALPR technology, and the retention and disbursement of gathered 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 agencies in our state gather, store, utilize, and share information about the location and movements of people within Maryland. The use of this powerful technology to track the public's movements, and the subsequent storage and sharing of such information, 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.

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