Automated License Plate Recognition Policy (ALPR)

Scope: CITYWIDE

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Regulatory References

California Civil Code sections 1798.29 *et seq* and 1798.82
California Civil Code sections 1798.90.5 *et seq.*
California Civil Code section 1798.90.52
California Civil Code sections 1798.90.51 and 1798.90.53
California Government Code 34090.
California Public Records Act

Effective Date: November 17, 2016

City of SACRAMENTO

Charter Officer Review and Acknowledgement

Automated License Plate Recognition Policy

City Manager

e-Signed by Howard Chan
on 2016-12-02 21:08:13 GMT

December 02, 2016

City Attorney

e-Signed by Brett Witter
on 2016-12-01 01:20:07 GMT

December 01, 2016

City Clerk

e-Signed by Shirley Concolino
on 2016-12-01 21:25:01 GMT

December 01, 2016

City Treasurer

e-Signed by John Colville
on 2016-12-02 18:54:22 GMT

December 02, 2016

POLICY STATEMENT

The City of Sacramento (City) utilizes Automated License Plate Reader ("ALPR") technology to capture, analyze, and store digital license plate data and images to enable the rapid identification and location of vehicles for official City authorized purposes (see section 4 below) while recognizing the established privacy and data breach notification rights (see section 6 below) of the public. (See Civil Code section 1798.29 *et seq*.) This policy governs the use, maintenance, collection, security, and retention of all ALPR data and images. ALPR data and images may be subject to the California Public Records Act.

POLICY

1. Applicability

A. This policy applies to all persons authorized by the City Manager to install, configure, manage, and/or administer ALPR systems and related equipment such as electronic data storage or retention hardware, including but not limited to Department Managers and IT staff (herein referred to as "Authorized Users").

2. Responsibilities

A. The City Manager (or designee) shall:

1) Be the official custodian of the ALPR systems ("ALPR Coordinator") and as such have the overall responsibility and authority for enforcing and implementing the policy in accordance with California Civil Code sections 1798.90.5 *et seq.*

2) Establish and implement operating procedures and guidelines governing the management and administration of ALPR systems and associated equipment.

3) Be responsible for properly managing and maintaining all data and images captured by the ALPR systems in accordance with this policy.

4) Review and grant or deny access to ALPR systems. Ensure training is provided to Authorized Users.

5) Review and retain in accordance with the City's Records Retention Policy all requests for ALPR data or images and approve only those requests that have an official City purpose to obtain the information.

B. Authorized Users shall:

1) Read and abide by this policy.

2) Complete ALPR training.

3) Sign a department approved acknowledgement form.

4. **Authorized Purposes**

A. Use of ALPR systems and related data is restricted to official parking and law enforcement purposes. Authorized Users shall not use, or allow others to use, the equipment or database records for any unauthorized purpose.

3. Data Collection and Retention

A. All ALPR data and images downloaded to City servers shall be retained for a minimum of 90 days pursuant to California Government Code 34090.7 and maximum of 2 years in accordance with the City's Records Management Policy. If ALPR data or images become, or is reasonably believed to become, evidence in a criminal, civil, or parking enforcement action, it shall be downloaded from the server onto portable media and retained until the action is resolved.

B. ALPR may also be exported to other City business systems to assist with administrative processing of citations, investigation, or other official business requirements. ALPR will be purged once the issue has been resolved.

4. **ALPR System Monitoring and Security**

A. All ALPR data and images shall be closely safeguarded and protected by both procedural and technological means. The City shall observe the following safeguards regarding access to and use of stored data (Cal. Civ. Code sections 1798.90.51 and 1798.90.53):

1) All ALPR data downloaded to workstations and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by username, license plate number, date and time the information is accessed, the purpose of the access, or other data elements used in the search(California Civil Code section 1798.90.52).

2) Authorized Users are permitted to access the data for legitimate law or parking enforcement purposes only, such as when the data relates to a specific criminal investigation or department-related civil or administrative action.

3) Alerts generated from ALPR systems will be reviewed and action will be taken, if necessary.

4) ALPR system audits shall be conducted on a regular basis by the City Manager or their designee. The purpose of these audits is to ensure the accuracy of ALPR information and correct data errors.

5. **Access to ALPR Data and Files**

A. Authorized Users with access include various roles in patrol, investigative, dispatch, crime analysis, parking enforcement and command staff.

B. The City uses both local and vendor hosted ALPR solutions; periodically, the City may grant access to vendor's support personnel to assist in administrative functions. All of the vendor's support staff are required to undergo background checks and meet the requirements of FBI-CJIS Security Policy before accessing City's ALPR solutions.

C. The data center and the hosted ALPR software being used meets all relevant requirements of FBI-CJIS Security Policy including password complexity and change rules, deactivation of inactive users, and use of secure internet protocol. The system maintains usage logs which include the following information that is available for routine audit:

1) The date and time ALPR data is accessed.

2) The IP address from which the ALPR data is accessed.

3) The license plate number or other data elements used to query the system.

4) The username of the person who accessed the information.

5) The purpose for accessing the information.

D. ALPR data gathered is never sold or transferred. ALPR data is shared with other law enforcement agencies solely at the discretion of the agency, and these privileges may be revoked at any time. Because the sharing of ALPR data occurs from a hosted solution and is based on a set of visibility permissions, the data is not duplicated or transferred in any way and remains under the management and control of the City at all times.

E. The City will take reasonable measures to ensure the accuracy of the ALPR Data collected by ALPR units.

6. **Data Breach Notification Requirements**

A. As required by Civil Code 1798.29 and 1798.82, any agency that owns or licenses encrypted personal information which has been or was reasonably believed to have been obtained by an unauthorized person must disclose the breach. Notification will include the following:

1) Titled "Notification of Data Breach"
2) "What Happened"
3) "What Information Was Involved"
4) "What We Are Doing"
5) "What You Can Do"
6) "For More Information"

a) Name and contact information of the non-public safety or public safety reporting agency.

b) A list of the personal information subject to a breach.

c) Either the date, estimated date, or date range that the breach occurred if the information can be determined when notice is provided.

i. If notification was delayed as a result of law enforcement investigation.

ii. A general description of the breach incident.

7. **Training**

A. Training ensures that members receive department-approved training for those authorized to use or access the ALPR systems and shall maintain a record of all completed trainings (Civil Code sections 1798.90.51 and 1798.90.53).

B. Training requirements for employees and independent contractors authorized pursuant to section 1 above include completion of training on an annual basis by the ALPR Coordinator or appropriate subject matter experts as designated by the City. Such training shall include:

- Applicable federal and state law
- Functionality of equipment
- Safeguarding password information and data

Attachment 1

Authorized User Acknowledgment of Automated License Plate Recognition (ALPR) Policy

_____ I acknowledge that I have read, understand, and shall comply with the ALPR Policy and this Acknowledgement Form.

_____ I understand that all data and images gathered by the ALPR systems are for the official use of the City. All data and images gathered by the ALPR shall be used in accordance with this policy. ALPR data or images may be exempt from the Public Records Act.

_____ I acknowledge that I will only access ALPR data for as may be required for my job duties.

_____ I acknowledge that I will not disclose any data stored on ALPR systems to unauthorized staff or the public, and will only discuss this information with authorized staff on a "Need to Know" basis.

_____
Print Employee Name

_____ _____
Employee Signature Date

_____ _____
Manager/Supervisor Approval Date

_____ _____
ALPR Coordinator Approval Date

Click Here for Fillable Form

Attachment 2

Automated License Plate Recognition (ALPR)
Electronic Data and Records Request Form

Contact Details			
From:		**Department**	
Phone Extension		**Date Requested**	
E-Mail		**Date Required**	

ALPR Data and Records Request	
❑ Public Safety License Plate Data	❑ Non-Public Safety License Plate Data
Describe records or information being requested (please be specific as possible, including search dates, description, etc.):	
Reason for Request:	

Per API ALPR Policy, please submit this form to either the Non-Public Safety ALPR Coordinator or the Public Safety ALPR Coordinator. This request will be handled confidentially and only those staff required to complete the request will be notified.

_____ _____

Requesting Employee Signature Date

_____ _____

Department Director / Division Manager's Signature Date

_____ _____

Name and Title Phone Extension

Click Here for Fillable Form