Automated License Plate Reader (ALPR) Usage and Privacy Policy

1.   Purpose

The Town of Woodside (the "Town") owns and authorizes the use of Automated License Plate Readers (ALPR) at fixed locations within the Town, as shown on Attachment A, for law enforcement and public safety purposes as described herein.

ALPRs use high speed cameras to capture still images of vehicles including the make, color, license plate, roof racks and bumper stickers (Footage). Town, through its contract for law enforcement services with the San Mateo County Sheriff's Office, has agreed to provide the Sheriff's Office with access to the Footage to view, search, and archive the Footage and to receive notifications via email or SMS to facilitate gathering of evidence for use in bona fide law enforcement investigations.

California Civil Code section 1798.90.51 requires public agencies operating ALPRs to adopt and implement a usage and privacy policy in order to ensure that the collection, use, maintenance, sharing, and dissemination of information collected by ALPRs protects individual privacy and civil liberties. Consistent with the state law mandate, the Town has adopted this Automatic License Plate Reader Usage and Privacy Policy ("Policy") to regulate the use, management, and retention of ALPRs and ALPR Data which includes the Footage metadata, such as time stamp and geolocation of the cameras as well as who has accessed records, search history, and any other auditable data collected or used to store, index, and access the information. This Policy is available to the public in writing and posted on the Town's website.

2.   Definitions

A. "Aggregated Data" means information that relates to a group or category of individuals, from which any potential individuals' personal identifying information has been permanently "anonymized" by commercially available

tools to irreversibly alter data in such a way that a data subject (i.e., individual person or impersonal entity) can no longer be identified directly or indirectly.

B. "Automated License Plate Reader (ALPR)" means the technology, also known as License Plate Recognition, which provides still images and other data, including vehicular attributes such as make, color, license plate, roof rack, and bumper stickers, captured by the ALPR System.

C. "ALPR Data" means the content obtained by an ALPR, including the Footage metadata, such as time stamp and geolocation of the camera, as well as who has accessed records, search history, and any other auditable data collected by the software system or used in the Embedded Software used to store, index, and access the information gathered by an ALPR.

D. "ALPR System" means the ALPR hardware and software including cameras or device, pole, clamps, solar panel, installation components, and any other physical elements used for the capture, retention, indexing, accessing, and utilizing ALPR Data.

E. "Embedded Software" means the software and/or firmware embedded or preinstalled on the ALPR System.

F. "Flock Group, Inc." means the vendor who will provide to the Town a software and hardware solution for ALPRs through Flock Group Inc.'s technology platform.

G. "Footage" means still images and other data, including vehicular attributes such as make, color, license plate, roof rack, and bumper stickers, captured by the ALPR System in the course of and provided via the services provided by Flock Group, Inc.

H. "Hotlist(s)" means a digital file containing alphanumeric license plate related information pertaining to vehicles of interest, which may include stolen vehicles, stolen vehicle license plates, vehicles owned or associated with wanted or missing person(s), vehicles suspected of being involved with criminal or terrorist activities, and other legitimate law enforcement purposes. Hotlist also includes, but is not limited to, National Crime Information Center (NCIC), Department of Motor Vehicles (DMV), and local Be on the Lookouts (BOLOs) for similar categories, license plates associated with AMBER Alerts or Missing Persons/Vulnerable Adult Alerts, and includes manually entered license plate information associated with crimes that have occurred in any local jurisdiction.

I. "Law Enforcement Agency" refers to an agency charged with maintaining public safety and enforcing federal law or California law.

J. "Notifications" means alerts sent via Electronic Mail (E-mail) or Short Message/Messaging Service (SMS) to the Sheriff's officers through the ALPR System based on Hotlists hits.

K. "Requisite Training" means training and education conducted by the Sheriff before access to the Town's ALPR Data is provided and thereafter annually on ALPR Data protection and authorized and prohibited uses. Training in the use of the system shall consist of:

   1. Privacy and civil liberties protections;
   2. Legal authorities, developments and issues involving the use of ALPR data and technology;
   3. Current Sheriff policy regarding appropriate use of ALPR systems;
   4. Technical, physical, administrative and procedural measures to protect the security of ALPR data against unauthorized access or use;
   5. Practical exercises in the use of the ALPR system; and
   6. All training and updates provided by Lexipol.

L. "Sheriff" means the San Mateo County Sheriff's Office and its sworn officers or authorized staff.

M. "Town" means the Town of Woodside, California.

N. "Town Council" means the Town Council of the Town of Woodside, California.

O. "Town Manager" means the official representative of the Town or his duly authorized agent.

3. **Authorized Purposes and Prohibited Uses**

Use of the Town ALPR System will take place 24 hours a day, 7 days per week, and 365 days per year within the Town of Woodside, with ALPR Data captured at the locations identified on Attachment A. Town ALPRs shall not be used in areas where there is a reasonable expectation of privacy, such as on private property not readily visible from public right of ways, and shall not be used to harass, intimidate, or discriminate against any individual or group.

ALPR Data captured by Town ALPRs will only be used for the following purposes:

a. To assist in identifying and investigating crimes against persons and property;
b. To locate missing children, adults, and/or elderly individuals, including in response to Amber Alerts and Silver Alerts;
c. To locate stolen, wanted, and/or other vehicles that are the subject of an investigation;
d. To assist in gathering evidence to identify, apprehend, and prosecute criminal offenders;
e. To respond to emergency events;
f. To locate and/or apprehend individuals subject to arrest warrants;
g. To locate victims, witnesses, and suspects associated with an investigation;
h. To check, either manually or automated, for license plate data appearing on active Hotlists.

Any ALPR Data obtained from Town ALPRs shall be used pursuant to this Policy and applicable state and federal law. All other uses not referenced above are prohibited. Possession of ALPR Data does not negate the need to comply with other applicable laws or regulations including the requirement to obtain a search warrant when legally required.

4. **Data Storage and Protection**

ALPR Data collected by ALPRs is automatically uploaded to the ALPR System's associated cloud storage at the time of capture. Cloud storage and server capacity is provided for and maintained by Flock Group, Inc. as a part of its scope of services. The Town Manager shall review and confirm at least annually to the Town Council in writing that Flock Group, Inc. has installed and implemented appropriate security measures for such storage including encryption, firewalls, authentication, and other reasonable data protection measures.

ALPR Data will not be downloaded to a local server, stored locally on a hard drive or portable device, or produced in a physical printout, except authorized Sheriff personnel may download ALPR Data for local storage or printout for authorized purposes stated herein. ALPR Data may not otherwise be downloaded for any other purpose.

Downloaded, copied, and printed ALPR Data will be maintained in accordance with applicable law, including state and federal evidentiary laws. Additionally, the Sheriff shall implement physical security, encryption, firewalls, authentication, and other reasonable security measures to protect ALPR Data, including all ALPR Data downloaded to the mobile workstation or in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date, and time.

5. **ALPR Data Access**

   Access to ALPR Data is restricted to sworn officers or authorized staff of the Sheriff, who may download and store ALPR Data, but only for the purposes listed in Section 3 above and subject to all conditions, restrictions, and protections of this Policy.

   The Town contracts with Flock Group, Inc. for the provision, operation, and maintenance of the ALPR System. Notwithstanding the foregoing, one or more employees of the Town may have access to the ALPR system for the sole purpose of facilitating and ensuring the use of the ALPR system in coordination with Flock Group, Inc.). Flock Group, Inc.'s access to data collected by ALPRs is limited to access required to operate and improve the ALPR System, in which case only anonymized and Aggregated Data may be accessed and used by Flock Group, Inc.

   In addition to this Policy, the Sherriff's personnel shall observe and comply with all applicable internal or departmental ALPR policies and any additional guidelines and regulations that are in place governing ALPRs.

6. **ALPR Data Retention**

   ALPR Data will not be stored by the ALPR System beyond sixty (60) days from the date it was uploaded to the cloud system except when lawfully required to by a subpoena, court order or associated ongoing investigation.

   ALPR Data that is downloaded and stored pursuant to Section 5 above shall be deleted and purged no later than six (6) months from the date it was downloaded for local storage, unless the ALPR Data thereafter becomes associated with a criminal investigation or prosecution for any of the authorized purposes identified in Section 3 above. In the latter case, the ALPR Data shall be purged no later than one (1) year from the date the criminal investigation no longer remains active or the ongoing prosecution for which it was retained is resolved.

7. **ALPR Data Public Access**

   ALPR Data will not be made public unless required by state or federal law or by court order. Prior to disclosing to a third party any ALPR Data, Flock Group, Inc. shall provide the Town with reasonable notice to provide the Town with ability to seek a protective order and/or other legal remedies to minimize the scope of required disclosure. If a California Public Records Act request for ALPR Data is received by the Town or the Town becomes aware of such request to the Sheriff, the Town Attorney's Office will be consulted to determine whether the requested

ALPR Data is exempt from disclosure pursuant to the California Public Records Act or other state or federal law provisions.

8.   Third-Party ALPR Data-Sharing

The Town, Flock Group, Inc., and the Sheriff shall maintain robust security procedures and practices, including operational, administrative, technical, and physical safeguards to protect ALPR Data from unauthorized access, destruction, use, modification, or disclosure.

The Sheriff is authorized to share ALPR Data in the following limited circumstances upon a lawful request from:

- a California District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence;
- a California Public Defender's Office or criminal defense attorney in accordance with applicable criminal discovery laws;
- a California Law Enforcement Agency, but only for an Authorized Purpose listed in Section 3 above and subject to all conditions, restrictions, and protections of this Policy.[1]

9.   Law Enforcement Training

ALPR Data may only be accessed by authorized Sheriff personnel pursuant to Section 5 and who have undergone Requisite Training. Prior to sharing ALPR Data with any other Law Enforcement Agency, the Sheriff shall ensure that the receiving Law Enforcement Agency is aware of and will comply with the conditions, restrictions, and protections of this Policy.

10.   ALPR Maintenance

The Town or Flock will regularly inspect and adequately maintain the ALPR equipment in proper working order and will ensure that the ALPR System continues to function as provided for in this Policy.

11.   ALPR Data Audits and Annual Reporting

A. Quarterly Reports

On a quarterly basis, the Town Manager will make a report to the Town Council which includes a data audit from the Sheriff. In order to prepare this report, the

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[1] Current list of agencies can be found at this address: https://transparency.flocksafety.com/town-of-woodside-ca-smcso

Sheriff shall randomly select at least ten detection browsing inquiries conducted by Sheriff employees since the date of activation of the ALPRs and determine if each inquiry meets the requirements established in this Policy.

The report shall include any data errors or Policy violations found so that such errors can be corrected and violations addressed. Additionally, the report shall include an evaluation of the system's efficacy, including relevant crime statistics and/or data to help the community assess whether use of the technology is beneficial. After the quarterly review by the Town Council, the report and any associated documentation shall be filed and retained according to the Town of Woodside's retention policies.

B. Annual Reports

Commencing twelve (12) months following first activation of the ALPRs, and annually thereafter, the Sheriff will prepare an annual report for submission to the Town Council. The annual report will include, at a minimum:

   i.   A summary of the quarterly reports including any corrective action taken, excluding any confidential disciplinary information prohibited by law from disclosure.
   ii. The number of fixed ALPR cameras.
   iii. The number of scanned license plates.
   iv. The number of Hotlist hits or alerts.
   v.   The number of search queries and the justification for such queries.
   vi. The number of investigative leads generated by use of ALPR Data.
   vii. The number of witnesses located by use of ALPR Data.
   viii. The number of stolen vehicles recovered by use of ALPR Data.
   ix. The number of suspects apprehended by use of ALPR Data.
   x.   A list of Law Enforcement Agencies that accessed or received ALPR Data.
   xi. The approved and unapproved ALPR Data requests from third parties reference in Section 8.

Map of Locations of ALPRs
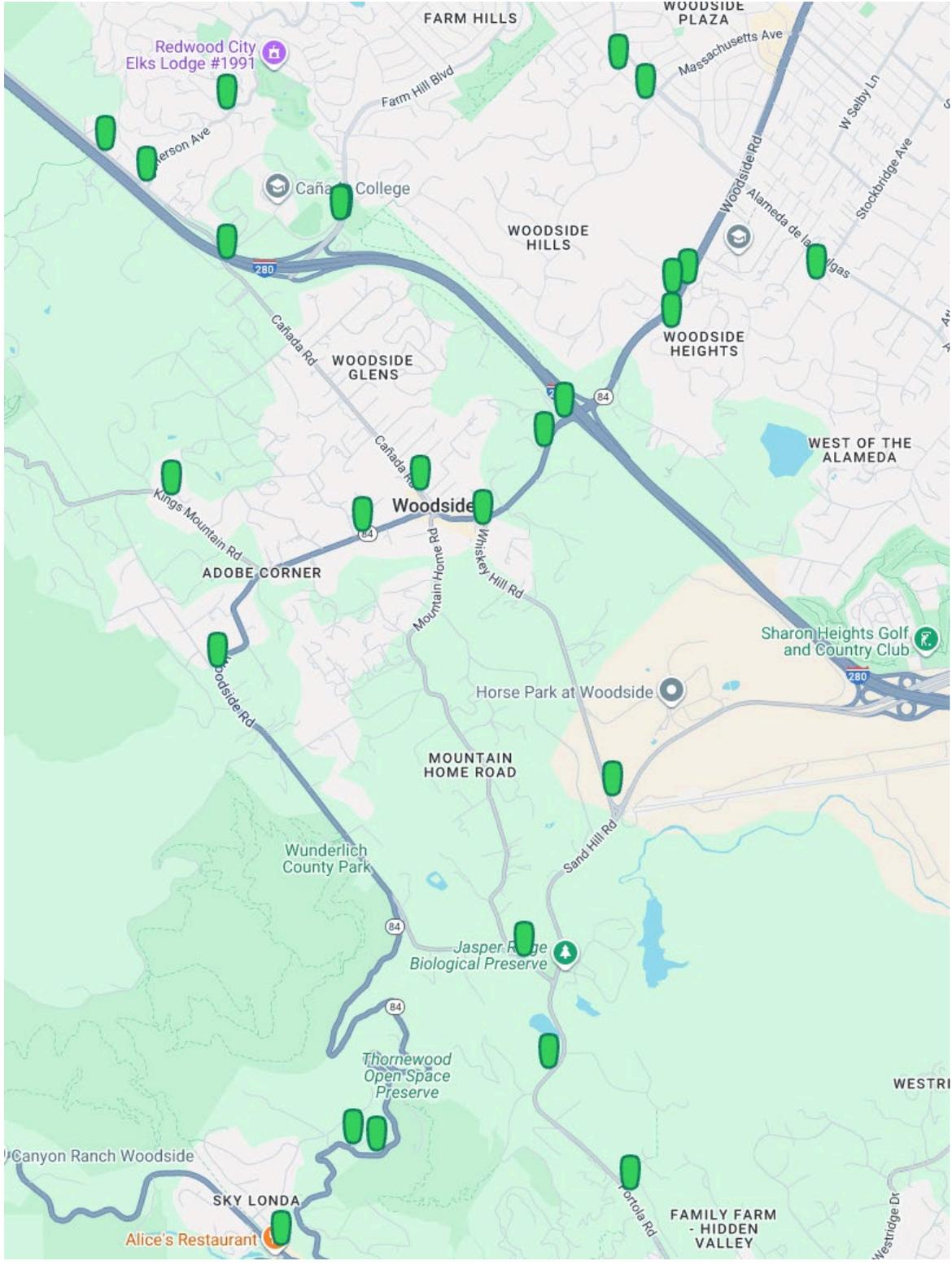
1.   Cañada Road @ Palm Circle Road – Southbound
2.   Jefferson Avenue @ W California Way – Westbound
3.   Farm Hill Boulevard @ 280 – Eastbound
4.   Woodside Drive @ Fernside Street – Westbound
5.   Harcross Road @ Fernside Street – Westbound
6.   Southgate Drive @ Eleanor Drive – Northbound
7.   High Road @ Woodside Road – Northbound
8.   Northgate Drive @ Woodside Road – Southbound
9.   Stockbridge Avenue @ Alameda de las Pulgas – Westbound
10.   Whiskey Hill Road @ Sand Hill Road – Northbound
11.   Portola Road @ Hayfields Road – Northbound
12.   La Honda Road @ Friars Lane – Northbound
13.   Kings Mountain Road @ Josselyn Lane – Southbound
14.   Woodside Road @ Hobart Heights Road – Westbound
15.   Cañada Road @ Runnymede Road – Northbound
16.   Jefferson Avenue @ Cañada Road – Eastbound
17.   Farm Hill Boulevard @ 280 – Westbound
18.   Whiskey Hill Road @ Woodside Road – Southbound
19.   Sand Hill Road @ Whiskey Hill Road – Westbound
20.   Woodside Road @ 280 – Eastbound
21.   Skyline Boulevard @ La Honda Road – Eastbound
22.   La Honda Road @ Friars Lane – Westbound
23.   Tripp Road @ Woodside Road – Northwest
24.   Cañada Lane @ Prospect Street – Eastbound
25.   Woodside Road @ Woodside Elementary – Northbound
26.   Portola Road @ Mountain Home Road – Westbound