

August 14, 2012

**VIA E-MAIL and U.S. MAIL**

Chris Conley  
Technology and Civil Liberties Project  
American Civil Liberties Union of Northern California  
39 Drumm Street  
San Francisco, CA 94111  
[cconley@aclunc.org](mailto:cconley@aclunc.org)

**Re: Public Records Act Request Dated July 30, 2012**

Dear Mr. Conley:

This letter is in response to your public records request dated July 30, 2012, which was directed to the attention of Craig Steckler, Chief of the Fremont Police Department (Department) for disclosable records related to automatic license plate readers (ALPRs) used by the Department.

To the extent that the request seeks documents containing information gathered, or about the gathering of information, through the use of surveillance technology, responsive records, if they exist, would be part of an individual criminal investigation case file or intelligence file. These records would be exempt from disclosure under Government Code Sections 6254(f) and 6254(k) and under Evidence Code Sections 1040(b)(2) and 1041.

To the extent the request seeks records that are not part of an individual criminal investigation or intelligence file but would reveal the Department's technical surveillance capabilities by disclosing information about those capabilities, such as records that show the type, number and specifications of surveillance resources, the sources of the surveillance resources, and the circumstances of interagency and business cooperation, the Department objects to the requests. Disclosure of this information to the public would allow individuals to defeat or avoid the Department's efforts regarding surveillance, property recovery, and apprehension of fleeing suspects. This information is exempt from disclosure under Government Code Sections 6254(k) and 6255, and Evidence Code Section 1040(b)(2).

To the extent the request seeks documents that are copyrighted work or contain copyrighted work, federal law limits the reproduction by the City under the Copyright Act, 17 USC § 101 *et seq.* The City requires a waiver or permission from the copyright owner before reproducing copyrighted works. To the extent the request seeks documents containing business or industry information protected by the trade secret privilege, the City cannot disclose the information pursuant to Civil Code §3426.1.



Notwithstanding the foregoing, the Department has located documents that the Department believes may be responsive to your request or of interest to you that the Department can disclose.

We will email an electronic copy of these documents to you. If you prefer hardcopies, please contact the undersigned to make arrangements to obtain copies.

Request No. 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.

The City has records which are not exempt from disclosure as a public record under Govt. Code Section 6254 and are responsive, specifically, Policy 462.

Request No. 2. All records regarding the procurement of ALPR technology, including;

a) any needs assessment or other analysis of the decision to procure ALPR technology.

The City has records which are not exempt from disclosure as a public record under Govt. Code Section 6254.

b) the number of ALPR units or systems acquired.

One unit to outfit one vehicle

c) sources of funds used to pay for ALPR technology.

General fund monies

d) invoices for the purchase of ALPR technology.

The City has records which are not exempt from disclosure as a public record under Govt. Code Section 6254.

e) local government approval for any ALPR purchase.

The Chief of Police approved the ALPR purchase.

f) requests for proposal (RFP) for the procurement of ALPR technology and bid documents submitted in response.

The City has no records which are not exempt from disclosure as a public record under Govt. Code Section 6254.

g) analysis or review of responses to any RFP.

The City has no records which are not exempt from disclosure as a public record under Govt. Code Section 6254.

h) interactions with vendors, suppliers and potential suppliers of ALPR technology, including materials and fact sheets supplied by vendors describing their products.

The City has no records which are not exempt from disclosure as a public record under Govt. Code Section 6254.

i) make, model, and manufacturers' specifications and instructions for ALPR units(s) ultimately procured by your agency.

The City has no records which are not exempt from disclosure as a public record under Govt. Code Section 6254.

Request No. 3. All records regarding the use of the ALPR technology, including:

a) The number of vehicles equipped with ALPR technology.

One unit to outfit one vehicle

b) For stationary deployments, the number and physical location of the ALPR units.

The City has no records which are not exempt from disclosure as a public record under Govt. Code Section 6254.

c) The technical capabilities of the ALPR units.

The City has no records which are not exempt from disclosure as a public record under Govt. Code Section 6254.

d) What types of data are obtained by the use of the ALPR units.

License plate and when functioning, the GPS location of the license plate.

e) The purpose for which data obtained by the use of ALPR units are used.

Stolen cars, warrants, Amber Alerts, Terrorism suspects.

f) The number of license plates scanned and/or read in a given time period (day, month, year, etc.).

250,000 per year.

Request No. 4. All records regarding the storage of data using ALPR technology, including;

- a) What types of data are stored for any period longer than an hour.

License plate and when functioning, the GPS location of the license plate.

- b) How long data is stored.

The City has records which are not exempt from disclosure as a public record under Govt. Code Section 6254.

- c) When data must be discarded.

The City has records which are not exempt from disclosure as a public record under Govt. Code Section 6254.

- d) How many individual license plate scan records your agency currently stores.

1,289,079

- e) Protocols to ensure the security of the data.

The City has records which are not exempt from disclosure as a public record under Govt. Code Section 6254.

Request No. 5. All records regarding the use of the ALPR technology, including;

- a) The legal justification required before an individual accesses ALPR data.

The City has records which are not exempt from disclosure as a public record under Govt. Code Section 6254.

- b) Purposes for which the data may be accessed.

The City has records which are not exempt from disclosure as a public record under Govt. Code Section 6254.

- c) Purpose for which the data may not be accessed.

The City has records which are not exempt from disclosure as a public record under Govt. Code Section 6254.

- d) Who may access the data, what procedures they must go through to obtain access and who must authorize access.

The City has records which are not exempt from disclosure as a public record under Govt. Code Section 6254.

- e) The existence or non-existence of a system that records who accessed the data and when the data is accessed.

The City has records which are not exempt from disclosure as a public record under Govt. Code Section 6254.

Request No. 6. All records regarding the use of the ALPR technology, including:

- a) What type of data is shared.

The City has no records which are not exempt from disclosure as a public record under Govt. Code Section 6254.

- b) Which databases your agency puts collected ALPR data into.

An internal City database.

- c) Third parties, governmental or private, that may access your agency's ALPR data, 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 your ALPR data.

The City has no records which are not exempt from disclosure as a public record under Govt. Code Section 6254.

- d) Any agreements to share ALPR data with outside agencies, corporations or other entities.

The City has no records which are not exempt from disclosure as a public record under Govt. Code Section 6254.

Request No. 7. All records regarding obtaining ALPR data from third parties, including which database your agency can access.

The City has no records which are not exempt from disclosure as a public record under Govt. Code Section 6254.

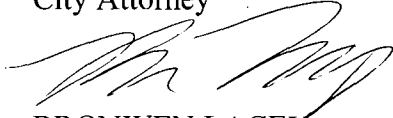
Request No. 8. All training materials used to instruct members of your agency in ALPR deployment and use, data management, or operation of automated records systems that contain ALPR data to which any member of your agency has access, including regional or shared ALPR databases.

The City has records which are not exempt from disclosure as a public record under Govt. Code Section 6254.

If there are records you feel should be disclosed notwithstanding this response, or you would like to discuss your request and this response further, please feel free to contact me at (510) 284-4030.

Very truly yours,

HARVEY E. LEVINE  
City Attorney

A handwritten signature in black ink, appearing to read 'Bronwen Lacey', written over the printed name.

BRONWEN LACEY  
Deputy City Attorney

BL/cr