U.S. Department of Justice

Office of Justice Programs

Office of the General Counsel

Washington, D.C. 20531

1 3 MAR 2013

Ms. Catherine Crump
Staff Attorney
American Civil Liberties Union Foundation
125 Broad Street, 17th Floor
New York, NY 10004

Re: OJP FOIA No. 12-00328

Dear Ms. Crump:

This is an interim response regarding your Freedom of Information Act/Privacy Act request pertaining to automatic license plate readers (ALPRs). In particular, you are seeking the following documents created from January 1, 2006 to the present:

"Records Requested

1. All records regarding your policies, practices and procedures for procuring and using ALPR technology; for storing, accessing and sharing data obtained through ALPR technology; and for funding the acquisition and use of ALPR technology by other federal, state and local governmental agencies;

2. All records regarding the procurement of ALPR technology, including
   a. Sources of funds used to pay for ALPR technology
   b. Invoices for the purchases 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
   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 unites or systems acquired;
   d. The number of vehicles equipped with ALPR technology;
   e. For stationary deployments, the number and physical location of ALPR units;
   f. The technical capabilities of the ALPR units;

4. All records regarding the storage of data obtained using ALPR technology, including
   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
   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
   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 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;
   e. Auditing mechanisms in place to govern access to ALPR data;

7. All records regarding obtaining ALPR data from third parties, including
   a. Which databases your agency can access;
   b. Memoranda of understanding or agreements regarding how data is to be shared
   c. Transfer of ALPR data from state or local agencies to you or other federal agencies;

8. All records regarding the development or implementation of any federal ALPR database, or the inclusion of ALPR data in already existing ALPR databases, including information showing which federal, state and local agencies are pooling ALPR data

9. All training material 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, federal or other shared ALPR databases

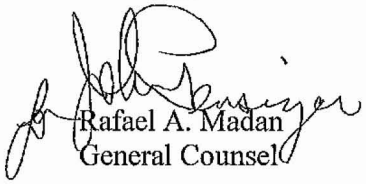
10. All records regarding your funding of the acquisition and use of ALPR technology or data by other federal, state and local governmental entities, including
    a. Funding or grants to state or local agencies to purchase ALPR units, or to purchase access to ALPR data;
    b. Funding figures broken down by recipient;
    c. Conditions recipients must fulfill in order to receive funding for ALPR technology from your agency

11. All records describing how ALPR data are, can be or will be integrated into existing federal data-mining programs, including but not limited to N-Dex, and how the data will be or is included in the FBI's next Generation Identification database."

By letter dated March 7, 2013, copies of 39 surveys, consisting of 390 pages, with some excisions made pursuant to exemption (b)(6), were forwarded to you. Enclosed are copies of 40 surveys, consisting of 400 pages, that are appropriate for release with some excisions made pursuant to exemption (b)(6) of the Freedom of Information Act, 5 U.S.C. § 552. Exemption (b)(6) protects information that, if disclosed, "would constitute a clearly unwarranted invasion of personal privacy." A search for additional responsive documents is continuing, and you will be notified of the result as soon as possible.

If you are dissatisfied with this response, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, N.W., Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty days from the date of this letter. Both the letter and the envelope should be clearly marked: "Freedom of Information Act Appeal."

Sincerely,



Rafael A. Madan
General Counsel

Enclosures