



January 22, 2018

Office of State Senator Joel Anderson  
State Capitol, Room 5052  
Sacramento, CA 95814

cc: Honorable Members of the CA State Senate

**SB 712– Letter of Support**

We write to you today to express support for SB 712, which seeks to make it less difficult for California residents to exercise their right to opt out of automated license plate scanning when their vehicles are parked.

Oakland Privacy is a citizen’s coalition that works regionally to defend the right to privacy and enhance public transparency and oversight regarding the use of surveillance techniques, databases and equipment. Our work developing policy on the use of surveillance and spying equipment by law enforcement has involved significant interaction with law enforcement agencies throughout Northern California.

We appreciate Senator Anderson bringing this bill forward as a part of his long-term dedication to protecting the privacy rights and civil liberties of Californians, as he did previously as a co-sponsor of AB 828 (with Ted Lieu) and SB 178 (with Mark Leno), both of which were enacted into law.

Senate Bill 712 does not create any new or additional right for California residents that did not previously exist. Californians already have under existing law the right to completely cover their parked car, for reasons such as protecting it from the weather. Such a complete covering of the car includes the license plate.

Law enforcement alarm over the spectre of criminals suddenly starting to foil automated license plate readers is misplaced. Sans an incoming hurricane, the incentive to completely cover one's vehicle is already sufficient for criminal actors to go to the trouble of securing a full car cover, and using it to avoid automated license plate readers while their vehicle is parked.

The constituency that would avail itself of the option presented by SB 712 is an individual who is not running from the law, and who does not feel strongly enough about the matter to go to the extreme trouble of blanketing their vehicle when parked, but due to legitimate and law-abiding concerns might prefer on some occasions to retain their privacy if it were not massively inconvenient to do so.

The list of such populations is broad: it can include people seeking reproductive health care, people worshipping at mosques, Sikh temples, Buddhist halls, synagogues and other minority religious institutions, attendees at gay and lesbian facilities and events, visiting an oncologist or cancer treatment center, cannabis purchasers since stigma can outlast legalization in some circles, and gun show attendees, as Senator Anderson has documented.

None of these are illegal activities. Yet they can be sensitive or private matters. Having individuals tracked and profiled by their vehicles when the location of those vehicles reveals sensitive information can be problematic, especially when there is no criminal predicate or law enforcement agency need to know.

And California law enforcement agencies are not the only customer or recipient of license plate scanner data. Many license plate scanners, and some of the ones in the most sensitive locations, are privately owned and operated. One of the primary manufacturers, Vigilant Solutions,<sup>1</sup> offers a commercialized data storage service that holds over 6 billion scans and shares it, outside the regulatory statutes that govern state agencies.

One of Vigilant's customers is multinational information solutions company Thomson-Reuters, who incorporate Vigilant's billion strong license plate scan database into their CLEAR database.<sup>2</sup> Thomson-Reuters then sells the information to Immigration and Customs Enforcement (ICE).<sup>3</sup> While we note that the bill sponsor was not favorably inclined towards the adoption of President Pro Tempore Kevin De Leon's SB 54, it is the law in the State of California.

Private license plate scanners set up in parking facilities for locations such as Mexican consulates and prominent immigration defense legal clinics that capture the license plate numbers of vehicles parked there certainly can play a role in targeting federal immigration raids in California cities and towns.

Regardless of one's political affiliations, the need for an inexpensive and convenient solution when people are engaged in sensitive activities that they may wish to keep private for reasons of employability, personal safety or stigma is genuine. And as license plate readers become more and more prolific and common, the need will only grow. SB 712 provides a practical and inexpensive solution that allows law enforcement to retain the ability to track stolen cars and wanted criminals on the streets and highways of California, just as they do today, but allows geolocation data that associates individuals with law-abiding but sensitive data to be protected by individuals that feel a need to protect it.

We ask you to support Senate Bill 712 and register our strong support for it.

Sincerely,

*Tracy Rosenberg*

Tracy Rosenberg  
Member, and on behalf of, Oakland Privacy  
Email: [contact@oaklandprivacy.org](mailto:contact@oaklandprivacy.org)  
Web: [www.oaklandprivacy.org](http://www.oaklandprivacy.org)

---

<sup>1</sup> <https://www.vigilantsolutions.com/products/license-plate-recognition-lpr/>

<sup>2</sup> <http://legalsolutions.thomsonreuters.com/law-products/solutions/clear-investigation-software/law-enforcement>

<sup>3</sup> <https://oaklandprivacy.org/2017/10/14/thomson-reuters-13m-contract-with-hsi/>