Connecticut Council on Freedom of Information

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HB 5449: An Act Concerning Automated License Plate Reader Systems

Good morning Sen. Winfield, Rep. Stafstrom, Ranking Members Kissel and Fishbein, and Honorable Members of the Judiciary Committee.

My name is Katherine Revello and I am a member of the Connecticut Council on Freedom of Information (CCFOI). We are a 70-year-old organization comprised of CT news media outlets and First Amendment supporters. Our mission is to advocate and promote government transparency, public access, a strong Freedom of Information law and other measures that guarantee the rights of individuals and journalists under the First Amendment to the U.S. Constitution and the state Constitution.

CCFOI opposes the provision in Section 1 of the bill exempting data collected by automated license plate readers (ALPRs) from the disclosure under the Freedom of Information Act (FOIA).

The bill's FOI exemption for ALPR data will severely limit the public's right to know how a fast-proliferating technology, the use of which has drawn concern from privacy advocates and politicians, is being used in their communities and hamstring journalists' ability to serve as watchdogs against abuse of the technology.

While the majority of the bill is intended to prevent bad government actors from abusing ALPR technology, the language exempting ALPR data from the FOIA does little to further this goal. Data collected from ALPR cameras and disclosable through the FOIA generally does not collect personally identifying information.

As an investigative journalist, I have filed over a dozen FOI requests seeking information related to ALPR use by police departments in Connecticut. Many of those have been for data recorded by ALPR cameras.

While I have received raw data from a number of departments that records information such as where and when a hit was captured, the vehicle make and model, and sometimes the license plate number, there is nothing in that data that a person could use to identify the owner, much

less the driver, of a vehicle.[1] Unlike traffic cameras or dash or body-worn cameras used by police, ALPR cameras do not capture images of drivers.[2]

Flock Safety, which has contracts with over 5,000 police departments across the country, has used this to argue ALPR cameras do not capture individually identifying information and cannot be used to track individuals or vehicles because their cameras capture "point-in-time" images of the rear of vehicles.

While police can have an ALPR camera alert them if a vehicle flagged on a hot list is recorded, any information that would identify an individual or the reason they are wanted is contained in separate databases. Law enforcement officials already have access to those databases and the information contained in them; the public does not, even if they receive data from ALPR camera hits through the FOIA.

Separate language in the bill already limits how law enforcement and other government agencies can share information captured by ALPRs. That language does more to protect personal privacy than exempting ALPR information from the FOIA would because it explicitly targets those who have access to sensitive information.

The FOI ban does not do this. Instead, the primary effect of the ban would be to hamper public oversight by advocates and journalists regarding abuses of ALPR technology.

In Connecticut and across the country, public records requests related to ALPR cameras have exposed a number of alarming practices, extending well beyond immigration enforcement activity, related to use of the technology.

For example, police attempted to intimidate a Denver woman into pleading guilty to package theft by claiming they had Flock data that placed her at the scene of the crime. Though police refused to let her see the supposedly incriminating evidence, they told her it left "no doubt" she would be convicted. However, she was not guilty of the crime and had not even been in the location police claimed when the crime occurred, which she was able to prove with surveillance footage from private businesses.

In Arizona, the Glendale Police Department used a racial slur in a search of the Flock ALPR system. It was one of hundreds of searches over the course of the year, identified by the

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[1] Link to ALPR data collected from Rekor cameras in Hartford on October 16, 2024: Hartford_plate_read_2024-10-16.csv

[2] Link to ALPR data collected from cameras at UConn between October 15, 2024 and October 25, 2024: 10.15.2024-10.25.2024.xlsx

Electronic Frontier Foundation, that used a racial slur. Many searches were unrelated to a specific crime.

Here in Connecticut, *CT Insider* found that data from ALPR cameras from at least 6 police departments was searched thousands of times by immigration enforcement officials, many by officials from out-of-state. As *CT Insider's* reporting notes, that likely raises questions about the legality of the searches under Connecticut's Trust Act, again demonstrating that abuses of ALPR cameras can be addressed elsewhere and that an FOI exemption is not necessary.

Many of these stories, and the concerning practices they have uncovered, have been reported because newsrooms and privacy advocacy organizations filed public records requests seeking information related to the use of ALPR technology. Exempting ALPR camera data from Connecticut's FOIA law would not stop abuses of the technology nor limit the amount of information being collected, but it would severely hamper the ability of journalists and watchdogs to understand what information ALPR cameras collect and inform the public about how they are impacted by their use.

CCFOI appreciates that the bill's language specifies that ALPR camera locations, usage logs, and other information related to how law enforcement access information captured by the cameras are not covered by the proposed FOI ban and will still be disclosable.

However, even this risks cutting off the public's ability to access information in which they have a vested interest.

While it is difficult to identify an individual from a license plate number alone, access to that data can help journalists and the public understand how often residents driving a vehicle around their town are captured by ALPR cameras. ALPR data revealing individual drivers have been recorded by cameras hundreds of times in the span of months has been the basis of lawsuits brought by private citizens concerned about surveillance.

In one instance in Arkansas, a Flock Safety camera was pointed directly at the driveway of a private house. Uncomfortable that he was unable to pull into or out of his own driveway without being recorded, that homeowner turned to the state's public record law to find out the extent of activity being captured at his house.

But, under HB 5449's ALPR data exemption, private individuals concerned about how their movements are being monitored, even on their own private property, would be barred from accessing this information. Journalists and privacy watchdogs would also be barred from accessing that information and using it to inform the public about how ALPR cameras operate in their community.

While HB 5449 limits how data collected ALPR cameras can be accessed and shared, it does not stop data from being collected by ALPR cameras. So long as that information is being collected, the public has a right to understand how their movements are captured.

It is also worth noting that ALPR providers like Flock are private companies and are not subject to the FOIA. FOIA requests to public agencies with whom ALPR companies have contracts are the only avenue the public have to understand how their technology works.

Exempting ALPR data from FOIA risks shutting off the most powerful tool the public has to compel law enforcement to release information about ALPR cameras, expose areas of concern, and lobby for legal changes.

In all the examples cited in my testimony, the FOIA has been used to flag concerns related to the collection and use of ALPR data and how it may impact personal privacy. While other provisions in the bill also share this goal, exempting ALPR information from the FOIA would make it easier for those concerns to go undetected.

For the above-mentioned reasons, CCFOI opposes the proposed FOIA exemption in HB 5449.

Respectfully,

Katherine Revello