



March 15, 2011

Gregory I. Massing
General Counsel
Executive Office of Public Safety and Security
One Ashburton Place, Suite 2133
Boston, MA 02108

Re: Public Records Request
Automatic License Plate Recognition Grants

Dear Mr. Massing:

In 2010, the Executive Office of Public Safety and Security (EOPSS) announced the availability to Massachusetts law enforcement agencies of \$300,000 in federal highway safety funds for the purchase of Automatic License Plate Recognition (“ALPR”) technology. The deadline for applications for funding was November 29, 2010. Grant awards were to have been announced in early January 2011.

The ACLU of Massachusetts is concerned about the ALPR program because it clearly appears that a key element of that program is the collection and storage of personally identifiable information in a centralized state database that will be widely available. The grant announcement reads, in part:

Departments that procure ALPR systems under this grant program agree to electronically submit captured license plate data to the state repository maintained by the Criminal Justice Information Services (CJIS) Division at the Commonwealth’s Public Safety Data Center. Captured license plate data will be made available to local, state and national law enforcement as needed to support official law enforcement operations. Guidelines for submission and retrieval of license plate data will be made available to all participating departments at the time of installation and connection of the ALPR systems.¹

¹ “Application for Grant Funds (AGF), FFY 2011 Automated License Plate Reader Grant Program, Deadline for Applications: Noon, November 29, 2010”, available at <http://3bl.me/neqeg7>

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As ALPR technology allows recording of the time and location that a license plate was recorded, I am sure you can appreciate the significant privacy issues raised by the creation and expansion of this system of records.

To assist the public in understanding the operation of the program and any provision for the protection of individual privacy, I am requesting that you provide us with copies of the following records:

1. All ALPR grant applications received by EOPSS from state and local law enforcement agencies for the FY 2011 program;
2. Records of all ALPR grants for FY 2011 and preceding years;
3. Description of ALPR data fields maintained in the repository maintained by the Criminal Justice Information Services (CJIS) Division at the Commonwealth's Public Safety Data Center;
4. Any guidelines, regulations or procedures governing submission and of captured license plate data to the state repository maintained by the CJIS Division and the dissemination of that data to other agencies by the CJIS Division, including any federal guidelines or regulations which may be applicable to this program.

Please consider this as a request under the Public Records Law, G.L. c. 66, §10, made on behalf of the ACLU of Massachusetts. We ask that any of the requested records available in electronic form be provided in that form.

Sincerely,

John Reinstein
Legal Director

cc: Daniel DeMille