



STATE OF MINNESOTA
Office of the Minnesota Secretary of State
Mark Ritchie

May 28, 2013

Representative John Lesch
537 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Dear Representative Lesch,

Given that the legislature did not enact legislation to classify automated license plate reader data collected by law enforcement agencies, I am seeking your assistance in finding a way to protect data on Safe at Home participants collected between now and when a permanent solution can be enacted.

License plate readers collect data that could allow an abuser to locate a survivor of domestic violence or other participant in the Safe at Home address confidentiality program. While the temporary data classification helps, the data still exist and there are people who will have access to it.

Both the House and Senate versions of the bill included provisions that would have been helpful. The House bill would have provided protection for Safe at Home participants by requiring that data that is not a hit against one of the databases be destroyed immediately. The Senate bill took a different approach that would have also provided protection for Safe at Home participants by allowing them to request that any data collected about them be immediately destroyed, as long as it is not a hit. The Senate bill would have further required that law enforcement agencies using license plate readers notify the Bureau of Criminal Apprehension (BCA) of their use, allowing for the compilation of a centralized list of jurisdictions using this technology.

I am hopeful that given the high safety needs of Safe at Home participants that law enforcement will voluntarily take steps in the interim to protect this data.

According to Laurie Beyer-Kropuenske with the Information and Policy Analysis Division of the Department of Administration, government units are only required to retain data that is "necessary to [have] a full and accurate knowledge of their official activities" (*Minnesota Statutes*, section 15.17, subd. 1). It seems clear that data that is a "hit" on any of the databases would meet this definition and that data that is not a hit probably does not. As such, each law enforcement agency would have the legal authority to dispose of (destroy) any data that is not a hit. Even if the agency did consider data that was not a hit an official record, according to Ms. Beyer-Kropuenske, the agency is required to have a retention policy and must dispose of data in accordance with this policy. Jurisdictions using license plate

readers that consider non-hit data an official record could choose to adopt retention policies that require that license plate reader data related to a Safe at Home participant be destroyed immediately.

Please use whatever legislative resources you have available to you to get commitments from law enforcement agencies using license plate readers to:

- adopt policies that require that non-hit data on Safe at Home participants be destroyed immediately, if they have received a request for the data to be destroyed;
- classify any request from a Safe at Home participant for data to be destroyed as "security information" under section 13.37, subd. 1; and
- notify the BCA that they are using this technology (so that a statewide list of jurisdictions can be compiled).

This office is happy to do whatever we can to facilitate this process, including distributing information to participants in Safe at Home, providing them with the list of jurisdictions using the technology, and creating the necessary forms.

Please let me know if you have any questions or need any additional information.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Ritchie', written in a cursive style.

MARK RITCHIE

Secretary of State

cc: Governor Mark Dayton
Majority Leader Tom Bakk
Speaker of the House Paul Thissen
Senator Scott Dibble
Senator Ron Latz
Representative Mary Liz Holberg