

December 15, 2014

Legislative Commission on Data Practices  
72 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
Saint Paul, MN 55155

**Re: Proposed Recommendations by the Legislative Commission on Data Practices on Automated License Plate Reader Use by Law Enforcement**

Commission Members:

As we look to articulate recommendations on issues related to the Minnesota Data Practices Act to the 2015-2016 Legislature, I propose that we adopt the provisions of HF 474 as drafted in its 1<sup>st</sup> Engrossment. This proposal includes the following:

- Classify automated license plate reader data as private or nonpublic data and provide that the data must not be retained, unless the license plate reader data file indicates a hit for certain types of offenses or the data is active investigative data.
- All data gathered by automated license plate readers that is not hit data or active investigative data must not be retained.
- Require all law enforcement agencies using automated license plate readers to maintain a log of their use and include the contents of this log to the public.
- Require a biennial audit by law enforcement agencies to verify whether data collected has been properly classified or destroyed.
- Prohibits law enforcement agencies from using an automated license plate reader unless they have implemented policies and procedures necessary to ensure compliance with the requirements of the above proposal.

Thank you for your consideration,

Sincerely,

Representative John Lesch

Attached: HF 474, 1<sup>st</sup> Engrossment

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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 474

02/11/2013 Authored by Holberg; Scott; Johnson, B.; Newberger and Liebling
The bill was read for the first time and referred to the Committee on Civil Law
04/02/2013 Adoption of Report: Pass as Amended and Read Second Time

1.1 A bill for an act
1.2 relating to data practices; classifying data related to automated license plate
1.3 readers; requiring a log of use; requiring data to be destroyed in certain
1.4 circumstances; amending Minnesota Statutes 2012, section 13.82, by adding a
1.5 subdivision.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2012, section 13.82, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 31. License plate reader data. (a) For purposes of this subdivision,
1.10 "automated license plate reader data" means government data derived from an automated
1.11 reader that captures motor vehicle license plate numbers.

1.12 (b) Automated license plate reader data are private data on individuals or nonpublic
1.13 data. Notwithstanding section 138.17, automated license plate reader data must not be
1.14 retained, in any format, unless, based on a search of the Minnesota license plate data file,
1.15 the data identify a vehicle or license plate that has been stolen, there is a warrant for the
1.16 arrest of the owner of the vehicle or the owner has a suspended or revoked driver's license,
1.17 or the data are active investigative data.

1.18 (c) A law enforcement agency that installs or uses an automated license plate reader
1.19 must maintain a log of its use, including:

- 1.20 (1) locations at which the reader is installed or used;
1.21 (2) specific times of day that the reader actively collected data; and
1.22 (3) the aggregate number of vehicles or license plates on which data are collected for
1.23 each period of active use.

2.1 Notwithstanding any other law to the contrary, data contained in a log required under  
2.2 this paragraph are public.

2.3 (d) The responsible law enforcement agency shall conduct a biennial audit of data  
2.4 collected from automated license plate readers to determine whether the data has been  
2.5 classified or destroyed as required under this subdivision. Specific data used in the audit  
2.6 under this paragraph are classified as provided in paragraph (b). Summary data related to  
2.7 the results of the audit are public.

2.8 (e) A law enforcement agency may not use an automated license plate reader unless  
2.9 the agency has implemented policies and procedures necessary to ensure compliance  
2.10 with this subdivision.