

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 222

DATE: February 16, 2015

Version: As introduced

Authors: Cornish and others

Subject: Surveillance technology; license plate readers

Analyst: Matt Gehring, 651-296-5052

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

This bill requires government entities to maintain an inventory of surveillance technology, and provide an annual report to the legislature.

The bill also regulates and classifies data related to use of automated license plate readers. Among other requirements, destruction of the data would be required within 90 days, if the data are not part of an active criminal investigation.

A current temporary classification of automated license plate data, issued by the Commissioner of Administration, classifies the data as private or nonpublic. The temporary classification will expire August 1, 2015. After the temporary classification expires, automated license plate reader data will be presumptively public unless otherwise classified by law.

This bill is identical to a version adopted by the Senate during the 2013-14 biennium (H.F. 474, the second unofficial engrossment).

Section

1 Inventory of surveillance technology. Requires a government entity to prepare and update an inventory of all surveillance technology maintained or used by the entity.

A definition of “surveillance technology” is provided. “Surveillance technology” includes technology that can track an individual’s location, characteristics, activities, or property, and certain aerial vehicles (commonly referred to as drones).

Section

An annual report to the legislature that includes technology used in the prior year, and technology that may be used in the coming year, is required by January 15 each year.

2 **Automated license plate reader.** Regulates and classifies data related to automated license plate readers.

Paragraph (a) **defines “automated license plate reader.”**

Paragraph (b) **classifies automated license plate reader data that are active criminal investigative data** as confidential or protected nonpublic. This is consistent with the classification of active criminal investigative data already provided in law.

Paragraph (c) **classifies data that are not active criminal investigative data** as private or nonpublic, including:

- (1) license plate numbers;
- (2) date, time, and location data on vehicles; and
- (3) pictures of license plates, vehicles, and areas surrounding the vehicles.

Paragraph (d) **requires destruction of data within 90 days, if it is not active criminal investigative data.** These destruction requirements apply to the law enforcement agency that collected the data, and any other law enforcement agency that receives it.

An allowance for a participant in the Safe at Home address confidentiality program to request that the data be destroyed sooner is also provided. Data related to a Safe at Home request are private.

Paragraph (e) requires a **log of use** to be maintained by the law enforcement agency. The contents of the log are provided in the bill. The log is public.

Paragraph (f) requires **maintenance of certain additional records related to collected data, and a biennial audit by the Department of Public Safety** to determine whether the data are properly classified or destroyed, and whether the agency has complied with the requirements of paragraph (g). Summary results of the audit are public.

Paragraph (g) requires law enforcement agencies to **maintain data consistent with standard data practices procedures, including notifications of security breaches.**

The law enforcement agency must also **adopt written procedures governing access** to ensure that only those authorized, in writing, by the agency head have access to the data, for a specific law enforcement purpose.

Paragraph (h) **requires law enforcement agencies to notify the Bureau of Criminal Apprehension (BCA) within ten days** of installation or use of an automated license plate reader. The notification must include the fixed location of any stationary readers.

The **BCA must maintain a public list** of agencies using license plate readers on its website.

This section is effective the day following final enactment. Data collected before the effective date must be destroyed within 15 days of the effective date, if destruction would otherwise be required by this new law.