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## **Automatic License Plate Reader Policy**

The Arlington County Commissioner of Revenue (“COR”) is implementing a new automatic license plate reader (“ALPR”) system to aid its compliance staff in ensuring that all vehicles regularly garaged in the county are in compliance with the registration, licensure and personal property taxation provisions of Virginia law and the Arlington County Code. This system replaces one in which compliance staff gathered the same information manually, using paper lists and logs of vehicles.

### ***Purpose of the Collection of Data***

Virginia law charges each Commissioner of Revenue with the legal duty to “ascertain ... all subjects of taxation in his county.” The ALPR system will be used solely as a means of identifying vehicles (“Targeted Vehicles”) subject to registration, licensure and taxation that are located in the county but not in compliance with the law. It will be operated by COR employees in a marked county vehicle. The ALPR will only be activated in particular areas targeted for enforcement investigation on the basis of credible information that Targeted Vehicles out of compliance are located there at that time.

The ALPR system will only be used in such a targeted manner and will not be operated to conduct any sort of untargeted “dragnet” collection of data.

COR staff are employees of an independent Virginia constitutional officer, the Arlington County Commissioner of Revenue, and operate solely under her direction. They are not under the control of the Arlington County Police Department or any other law enforcement agency, and will not operate the ALPR system for any purpose other than tax compliance. Data collected by the ALPR system (“ALPR Data”) will not be shared with law enforcement in the absence of a binding court order. Similarly, ALPR Data will not be shared with any private entity other than the contractors hired to help operate the APLR system (the “Contractors”). The Contractors will act contractually on COR’s behalf and are bound by confidentiality agreements that prevent them from disclosing ALPR Data without COR’s consent. The COR will maintain an audit capacity to determine contactor adherence to confidentiality agreements.

### ***Commitment to Taxpayer Privacy***

It is the policy of the Commissioner of Revenue to operate the ALPR system in compliance with Virginia law and the restrictions on its use described herein. The ALPR system will be used in a manner dedicated first and foremost to the protection of personal privacy and the confidentiality of taxpayer information. COR staff will collect only that information necessary to carry out its duty under Virginia law to identify and assess all taxable property in the county and no more. The limited ALPR Data collected will be maintained for no longer than necessary to conduct this mission.

In particular, the ALPR system will only be operated in particular areas at particular times, chosen on the basis of specific information leading the staff to believe that Targeted Vehicles will be found there. Only the information needed to identify the vehicle and its tax compliance status will be collected.

Once collected, ALPR Data will be stored and accessed securely as part of a system designed to prevent unauthorized access. ALPR Data and confidential taxpayer information will only be accessible by COR staff and will only be used for tax compliance purposes.

## ***Legal Constraints on the Use of the ALPR System***

The ALPR system will be operated in compliance with the Government Data Collection and Dissemination Practices Act (the "Data Act"), Va. Code § 2.2-3800 *et seq.*, and § 58.1-3 (the "Taxpayer Information Privacy Statute").

The Data Act permits the collection of "only that personal information permitted or required by law to be so collected ... or necessary to accomplish a proper purpose of the agency." Because Virginia law clearly directs the Commissioner of Revenue to find and assess all taxable property in the county, the use of the ALPR to find vehicles belonging to owners who are evading taxation is permitted.

Other provisions of the Data Act require COR to (i) maintain ALPR Data in its system "with accuracy, completeness, timeliness, and pertinence as necessary to ensure fairness in determinations relating to a data subject," (ii) maintain a list of every person who accesses the ALPR Data in the system, (iii) "establish appropriate safeguards to secure the system from any reasonably foreseeable threat to its security," and (iv) "collect no personal information concerning the political or religious beliefs, affiliations, and activities of data subjects."

As required by the Data Act, COR will post on its website information for the public about their rights under the Data Act, including the right of an individual to request a copy of the data collected regarding his or her vehicle(s) and to request a correction thereof if inaccurate.

The Taxpayer Information Privacy Statute provides that the "commissioner of the revenue ... shall not divulge any information acquired by him in the performance of his duties with respect to the ... personal property ... of any person." This includes information about a vehicle acquired by the ALPR system. COR staff will not provide ALPR Data that is linked to an individual taxpayer identity to any outside entity unless one of the exceptions provided for in the Taxpayer Information Privacy Statute permits it, such as the issuance of a "proper judicial order" compelling us to do so.

## ***Summary of the Contracts with the ALPR Service Provider***

The agreement with the Contractor provides that it will not disclose ALPR Data without the prior written consent of the Commissioner of Revenue. COR staff will not consent to any release of ALPR data not permitted by Virginia law (i.e. a "proper judicial order" pursuant to the Taxpayer Information Privacy Statute). be found there. Only the information needed to identify the vehicle and its tax compliance status will be collected.

Once collected, ALPR Data will be stored and accessed securely as part of a system designed to prevent unauthorized access. ALPR Data and confidential taxpayer information will only be accessible by COR staff and will only be used for tax compliance purposes.