

Sample Oral Testimony on ALPR – *This testimony was given by the ACLU's Privacy Rights Coordinator Kade Crockford in front of the Brookline Board of Selectmen in July 2011.*

Good evening, and thank you for giving me the opportunity to address this important issue.

I'm here from the ACLU of Massachusetts to ask that you do not approve this grant for ALPR technology in Brookline. We have two major concerns.

The first concern relates to the implementation of ALPR in Brookline without clear guidance from the state regarding data retention and sharing.

The second, related concern revolves around the ways in which ALPR data can be used to infringe upon the fundamental privacy rights of Brookline residents.

Related to the first concern, I ask that you put this grant on hold until the Commonwealth of Massachusetts releases its data retention and sharing policies related to ALPR, so that the residents of Brookline may have a fuller understanding of how its implementation will affect them. When the state releases its policies, I hope that the Town will invite constructive feedback from residents and interested parties like the ACLU. I think the seriousness of this issue would even warrant further official public conversation like the one we are having tonight.

As you know, while the state said that it would make its data retention and sharing policies available, it has not done so.

The Commonwealth has made clear, however, that it intends to retain Brookline's ALPR data and also share it with other towns, states and even federal agencies. This brings me to our second concern.

ALPR technology is sufficiently privacy invasive that ALPR machines capture not only license plate numbers; they also capture color photographs of cars (attendant bumper stickers included), the GPS location where the plate was "read", and the time and date of the capture. This technology is being deployed state- and nationwide, and agencies are making efforts to store ALPR data in formats accessible to police departments and federal agencies throughout the nation. Therefore the data gathered in Brookline could easily be used, alongside data gathered elsewhere, to paint a vivid picture of the travel habits of ordinary Brookline residents.

In essence, the amalgamation of ALPR data turns the process into a tracking technology, capable of serious privacy invasions. When the Department of Homeland security's terror watch lists and FBI's "be on the lookout" lists are added into the mix, the potential for errors and civil liberties abuses becomes much

greater. The government's terror watch-lists are notoriously inaccurate. Agencies have faced lawsuits as a result of mistakes on these lists.

Finally, there is simply no way for officials in Brookline to ensure that the data gathered via this system is kept out of the hands of marketers, the general public and those intent on committing domestic violence. We have no reason to believe that ALPR data is not a public record; therefore anyone knowledgeable about MA public records law will be able to access it.

For all of these reasons and more, we ask that you take no action but to postpone a vote on this measure until you and the residents of the Town have more information from the state about how their personally identifiable information will be stored and shared with other agencies. Until Brookline has assurances backed by the force of law that your ALPR data will not be stored in a police database, accessible to agents nationwide, you should say 'no' to ALPR.