

September 8, 2010

The Honorable Arnold Schwarzenegger
Governor of California
State Capitol, First Floor
Sacramento, CA 95814

Re: Senate Bill 1268 – Electronic Toll Collection Systems: Locational Privacy

Dear Governor Schwarzenegger:

This letter is to respectfully request your signature on Senate Bill 1268 relative to electronic toll collection systems and locational privacy.

As part of toll collection and traffic monitoring systems, personal information is routinely collected for subscribers and non-subscribers alike (whether by camera, transponder, or other means).

While helpful to motorists looking for the quickest or easiest possible route to their destinations, there is a legitimate concern that information originally collected for toll collection uses could be disseminated to other individuals, companies or organizations for marketing purposes, or other inappropriate uses.

Senate Bill 1268 protects the privacy of California motorists by controlling the use of personal information that is collected and stored by electronic toll collection systems (i.e., travel pattern data, location, time of day, address, telephone number, e-mail address, bank account information, credit card number, etc.).

The bill provides four significant privacy protections:

- Prohibits the sale or dissemination of personal data collected by transportation agencies;
- Limits how long personal data can be retained;

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- Requires conspicuous and meaningful notice to subscribers of transportation agencies' privacy policies; and
- Provides a civil remedy for drivers whose personal information is improperly released to recover damages, reasonable costs and attorney's fees.

This legislation is necessary because existing restrictions on information sharing and sales of personal information are policy-based, if they exist at all, and vary between and among transportation agencies across the state.

As amended in the Assembly, **there is no opposition to this bill**. I worked closely with local transportation agencies and law enforcement to resolve their concerns by lengthening the amount of time personal data may be retained and streamlining the search warrant procedures for criminal and traffic collision investigations.

There is no cost to the State as Caltrans does not collect personally identifiable information, and local transportation agencies have administrative fee authority to cover any cost of deleting personal data that they collect.

The bill received bipartisan votes in both the Senate and Assembly and is supported by a broad coalition of organizations, including Privacy Rights Clearinghouse, American Civil Liberties Union, and the Consumer Federation of California.

Senate Bill 1268 will ensure that important privacy protections are codified in statute and extended to all transportation agencies that have, or may acquire, electronic data-collection technologies.

I respectfully request your signature on Senate Bill 1268.

Sincerely,

S. Joseph Simitian

State Senator, Eleventh District

cc: Mike Webb, Deputy Legislative Secretary
Michael Prosio, Legislative Secretary and Deputy Chief of Staff