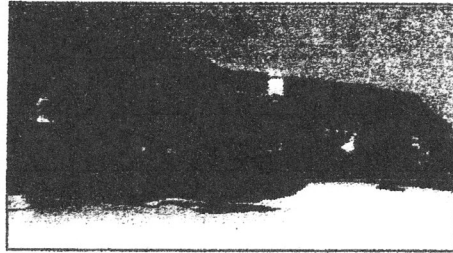


Attention Virginians: Is law enforcement spying on you?

By Rebecca Glenberg, ACLU of Virginia Legal Director

In January, the Washington Post published a shocking story – despite a clear Virginia Attorney General opinion to the contrary, a number of northern Virginia law enforcement agencies decided that they have the authority to compile massive databases of license plate records of ordinary Virginians. These records include the date and time that tens of thousands of vehicles were at a particular location throughout Northern Virginia. Why is this a big deal? Because, this information can be used to determine where you go to church, what political events you attend, and whether you went to an abortion provider – things that the government has no business knowing. This government intrusion into your privacy is a violation of Virginia law, and we need your help to stop it. [Find out if your local law enforcement agency has your personal information, and let us know.](#)

Here is some background. These records are captured by automatic license plate readers (ALPRs) – devices that can be mounted on police cars or stationary objects that can automatically record every license plate that comes within its field of vision. Each ALPR is able to record thousands of license plates per minute. ALPRs can serve useful law enforcement purposes, such as aiding the search for stolen vehicles by rapidly checking the license plates it scans against the hot list to identify these vehicles or helping to find a vehicle identified in an Amber Alert. And, as long as law enforcement regularly purges the records not related to an ongoing investigation or identified in a warrant issued based on probable cause, the technology poses minimal threat to privacy.



But, the actions of these Northern Virginia law enforcement agencies show the flip side of modern technology. ALPRs can also be used to build a vast database of vehicle locations that may be queried to build profiles of where individuals go, at what times, and how often, and who else is in the vicinity. It is one of the many new technologies that allow for massive surveillance of Virginians not suspected of any criminal activity. As one legislator said, it allows the government to find “probable cause by algorithm.”

Fortunately, in February 2013 Attorney General Ken Cuccinelli issued an [opinion](#) advising that this “passive” use of ALPRs to create massive data bases violates Virginia’s Government Data Collection and Dissemination Practices Act (the “Data Act”), which limits the types of personal information that government agencies may collect, store, and distribute and which requires that there be an established “need” for the data before it is collected. This opinion led the Virginia State Police to promptly take steps to cease using ALPRs for passive data collection and to purge its existing database of almost 8,000,000 license plate records, including records created by using ALPRs at political campaign events and rallies. But, as the Washington Post reported, many Northern Virginia law enforcement agencies continue to collect and store this information. We filed Freedom of Information Act requests with several of these agencies and found that they continue to store ALPR records not related to an ongoing investigation in databases for extended periods. (The Alexandria Police Department stores data for up to four years; the Fairfax County Police Department and Loudoun County Sheriff’s Office, one year; and the Arlington County and Prince William Police Departments, six months.) Additionally, each of these local law enforcement agencies, along with others in Virginia, D.C., and Maryland, share this information with other government agencies. This is a dangerous and unwarranted invasion of our privacy.

Here’s the good news (and where we can use your help). Under Virginia’s Data Act, you have the right to personal information about you kept by the government. [Click here](#) for information about how to request your information, and [let us know](#) what you find out! This information will help us bring accountability to these Northern Virginia law enforcement agencies, and better ensure the privacy of all Virginians.