Admin
Minnesota
DEPARTMENT OF ADMINISTRATION

March 18, 2013

Casey Joe Carl
City Clerk
City of Minneapolis
City Hall, 350 S. 5th Street
Minneapolis, MN 55415

Re: Request for Temporary Classification of Data Pursuant to Minnesota Statutes, section 13.06

Dear Mr. Carl:

The City of Minneapolis' request to classify data obtained by law enforcement using Automatic License Plate Readers (ALPR) as not public data has been partially approved.

The City of Minneapolis' request to classify the following data elements has been approved and shall have the classification of private data on individuals or nonpublic data not on individuals:
- License plate numbers.
- Date, time, and location data on vehicles.
- Pictures of license plates, vehicles, and areas surrounding the vehicles.

The City of Minneapolis' request to classify the following data elements has been disapproved:
- Date and time of any report run from ALPR data, the name of the person running the report, and the date span of the report.
- The locations of any ALPR camera, whether mobile or stationary.
- The device number for each ALPR camera.
- Number of times a vehicle was captured by the ALPR system for a period of time.
- Any hit information, including but not limited to, the following categories: stolen vehicle, Stolen license plate, wanted person, Canadian Police Information Center data, protection order, missing person, violent gang and terrorist organization, supervised release, convicted sexual offender registry, immigration violator files, Keep Our Police Safe ("KOPS"), Minnesota warrants, suspended driver's license, revoked driver's license, canceled driver's license, disqualified driver's license, Be On The Lookout (BOLO), Hotsheet (stolen vehicles in Minneapolis), and scofflaw (5 or more outstanding parking tickets).

A copy of the Commissioner of Administration's Findings of Fact and Conclusions is enclosed.

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The temporary classification is effective immediately; therefore, approved data elements must be administered consistent with their classification as of the date of this decision. Pursuant to Minnesota Statutes section 13.06, subdivision 4, this classification applies to all government entities in Minnesota.

Pursuant to Minnesota Statutes, section 13.06, subdivision 5, this decision, together with the complete record relating to your entity's application, has been submitted to the Attorney General for review as to form and legality.

This temporary classification will expire August 1, 2015, or upon action by the Legislature, whichever is earlier.

If you have any questions, please feel free to contact Stacie Christensen by phone at 651.201.2500 or via email stacie.christensen@state.mn.us.

Sincerely,

Spencer Cronk
Commissioner

C: Carol Bachun, Assistant City Attorney

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION

FINDINGS OF FACT AND CONCLUSIONS

REGARDING: Application for Temporary Classification of data pursuant to Minnesota
                      Statutes, section 13.06, subdivision 3, submitted by:

                      The City of Minneapolis

The Commissioner of Administration has examined the above application together with all
comments received, and makes the following:

FINDINGS OF FACT

1.   The application was filed pursuant to Minnesota Statutes, section 13.06, and was
        received by the Department of Administration on December 18, 2012.

2.   The application was filed on forms provided by the Department of Administration.

3.   The application requested the classification of not public for data related to the use of
        Automatic License Plate Readers (ALPR) collected by law enforcement:
        (1) Date and time of any report run from ALPR data, the name of the person running the
             report, and the date span of the report.
        (2) The locations of any ALPR camera, whether mobile or stationary.
        (3) License plate numbers.
        (4) The device number for each ALPR camera.
        (5) Date, time and location data on vehicles.
        (6) Pictures of license plates, vehicles, and areas surrounding the vehicles.
        (7) Number of times a vehicle was captured by the ALPR system for a period of time.
        (8) Any hit information, including but not limited to, the following categories: stolen
             vehicle, Stolen license plate, wanted person, Canadian Police Information Center
             data, protection order, missing person, violent gang and terrorist organization,
             supervised release, convicted sexual offender registry, immigration violator files,
             Keep Our Police Safe ("KOPS"), Minnesota warrants, suspended driver's license,
             revoked driver's license, canceled driver's license, disqualified driver's license, Be
             On The Lookout (BOLO), Hotsheet (stolen vehicles in Minneapolis), and scofflaw
             (5 or more outstanding parking tickets).

4.   The Commissioner published notice in the *State Register* on December 31, 2012 as
        required by Minnesota Statutes, section 13.06, subdivision 4, with his intent to approve
        or disapprove, for the use of all government entities in the State of Minnesota, the
        classification of "private data on individuals" or "nonpublic data not on individuals," all
        data obtained by law enforcement using Automatic License Plate Readers (ALPR).

5.   The applicant partially met the first criteria set forth in Minnesota Statutes,
        section 13.06, subdivision 3, by clearly establishing that no statute currently exists
        which either allows or forbids classification as not public for a portion of the data.

6.   The applicant has met the additional criteria set forth in Minnesota Statutes,
        section 13.06, subdivision 3, for certain data elements, by clearly establishing one or
        more of the following:

            X a. That data similar to that for which the temporary classification is sought has
                  been treated as not public by other government entities; or

            __ b. Public access to the data would render unworkable a program authorized by law.

        The applicant met the criteria indicated above in the following manner:

        Minnesota Statutes, section 13.72, subdivision 13, classifies the personal and vehicle
        identification data and toll road usage data of individuals who participate in the
        MnPASS program as private or nonpublic. ALPR data are similar to the MnPASS data,
        by tracking the information and whereabouts of a vehicle.

7.   The applicant partially met the additional criteria in Minnesota Statutes, section 13.06,
        subdivision 3, for certain data elements, by clearly establishing that a compelling need
        exists for immediate temporary classification, which if not granted could adversely
        affect the health, safety, or welfare of the public, or the data subject's well-being or
        reputation, for a portion of the data listed in the application.

        The applicant met the criteria indicated above in the following manner:

        The following data elements (as numbered in Finding Number 3) met the compelling
        need criteria:

        (3) License plate numbers.
        (5) Date, time, and location data on vehicles.
        (6) Pictures of license plates, vehicles, and areas surrounding the vehicles.

        The applicant argued that access to the data may allow a data requestor to learn where
        an individual is living or working. Should a request for ALPR data reveal sufficient
        location data on vehicles, the applicant argued that criminals could determine travel
        patterns that expose individuals to unwarranted intrusions.

        The applicant argued an abuser in a domestic abuse case could use ALPR data to
        determine the location of where a victim is living or working. The applicant also
        argued that criminals may use pictures of cars or license plate data to target the owner
        of an expensive vehicle or may target the owner of a vehicle with a disability plate.

        The applicant further argued that data reflecting a vehicle's travel patterns may reveal,
        for example, that an individual is receiving assistance from a social services agency and
        could potentially reveal welfare benefit data classified as private under Minnesota
        Statutes, section 13.46.

8.   The Commissioner has reviewed comments submitted by:

Melissa Hill, Cate Long, and Tony Webster, members of the public;
Matt Bostrom, representing the Ramsey County Sheriff's Office;
Sandra H. Johnson, representing the City of Bloomington;
Kenneth Reed, representing the Saint Paul Police Department;
Don Gemberling, representing the Minnesota Coalition on Government Information (MnCOGI); and
Charles Samuelson, representing the American Civil Liberties Union of Minnesota.

The Commissioner considered these comments in making his decision.

Based upon the foregoing findings of fact, the Commissioner makes the following conclusions:

CONCLUSIONS

1.   Based upon the application and the statutory requirements, the Commissioner concludes that the applicant has met the criteria set forth in Minnesota Statutes, section 13.06, subdivision 3, for data elements (3), (5), and (6) (as numbered in Finding Number 3) to temporarily classify as not public certain data requested in the application.

2.   For the reasons set forth above, the following types of data or data elements are approved by the Commissioner as private or nonpublic data (as numbered in Finding Number 3):

(3) License plate numbers.
(5) Date, time, and location data on vehicles.
(6) Pictures of license plates, vehicles, and areas surrounding the vehicles.

The Commissioner disapproves as private or nonpublic data the following data elements. The data not covered by the temporary classification include (as numbered in Finding Number 3):

(1) Date and time of any report run from ALPR data, the name of the person running the report, and the date span of the report.
(2) The locations of any ALPR camera, whether mobile or stationary.
(4) The device number for each ALPR camera.
(7) Number of times a vehicle was captured by the ALPR system for a period of time.
(8) Any hit information, including but not limited to, the following categories: stolen vehicle, Stolen license plate, wanted person, Canadian Police Information Center data, protection order, missing person, violent gang and terrorist organization, supervised release, convicted sexual offender registry, immigration violator files, Keep Our Police Safe ("KOPS"), Minnesota warrants, suspended driver's license, revoked driver's license, canceled driver's license, disqualified driver's license, Be On The Lookout (BOLO), Hotsheet (stolen vehicles in Minneapolis), and scofflaw (5 or more outstanding parking tickets).

3.   With regard to the data not covered under the temporary classification, the applicant did not fully meet the requirement in Minnesota Statutes, section 13.06, that no statute currently exists that allows classification as not public. In addition, the applicant did not provide any argument or documentation to fulfill the requirement that the applicant must clearly establish a compelling need exists for immediate temporary classification, which if not granted could adversely affect the health, safety, or welfare of the public, or the data subject's well-being or reputation.

As required under Minnesota Statutes, section 13.06, subdivision 5, it is the Commissioner's belief that the data not covered by the temporary classification are either public or currently classified under law (as numbered in Finding Number 3):

(1) **Date and time of any report run from ALPR data, the name of the person running the report, and the date span of the report:** Public data pursuant to Minnesota Statutes, section 13.03, subdivision 1; or private data pursuant to Minnesota Statutes, section 13.15, as to the name of the person running the report.

(2) **The locations of any ALPR camera, whether mobile or stationary:** Public or not public law enforcement data pursuant to Minnesota Statutes, section 13.82; or private or nonpublic security information pursuant to Minnesota Statutes, section 13.37.

(4) **The device number for each ALPR camera:** Public data pursuant to Minnesota Statutes, section 13.03, subdivision 1.

(7) **Number of times a vehicle was captured by the ALPR system for a period of time:** Public or not public law enforcement data pursuant to Minnesota Statutes, section 13.82.

(8) **Any hit information:** Active or inactive criminal investigative data pursuant to Minnesota Statutes, section 13.82, subdivision 7; or public law enforcement data pursuant to Minnesota Statutes, section 13.82, subdivisions 2, 3, and 6.

4.   The Commissioner determined, under his authority in Minnesota Statutes, section 13.06, subdivision 4, that the application for temporary classification involved data that would reasonably be classified by all government entities similar to the City of Minneapolis. Therefore, the private or nonpublic data classification approved and detailed above applies to all government entities.

By: Date: March 18, 2013

Spencer Cronk
Commissioner