

All Electronic Tolling

August 22, 2016

Privacy and Data Retention

Data Collected by the AET System



- For the purpose of charging and collecting tolls, the All Electronic Tolling host system (Raytheon) collects sensitive data:
 - license plate, transponder, location, time, photo, video (to verify axle count), and speed (to ensure accurate billing).
- This data is collected by the system to detect vehicles passing through toll zones and to charge the appropriate toll based upon vehicle classification. Speed data is used to ensure an accurate image capture of vehicle license plate by cameras.
- Data is also collected to enable audit confirmation of vehicle detection and classification accuracy.
- This data is transmitted to the customer service center (TransCore) for use in collecting tolls together with customer information maintained for account holders and users of the system for account maintenance and accurate billing.

Privacy and Data Retention



The purpose of all of the data collected by the AET is to allow MassDOT to collect tolls and will not be used to enforce speed limits. By both law and policy, MassDOT is committed to ensuring the privacy of all motorists and all data collected by the All Electronic Tolling system will remain secure and be kept confidential. MassDOT is working to address the following privacy, data use and data retention concerns:

- Ensuring that the data collected by the AET system will be kept confidential;
- Ensuring that data will not be retained by MassDOT longer than necessary for toll collection; and
- Limiting the use of a function called “Hot List” that was included in AET as part of the contract with Raytheon to a narrow set of immediate public safety emergency circumstances.

Legal Framework



- Data collected by the AET system is not a public record and is protected by federal and state laws and regulations.
- Federal Law: Restricts the disclosure of personal information associated with motor vehicle records. (Drivers Privacy Protection Act “DPPA” 18 USC s. 2721).
- State Law: Restricts the disclosure of personal information (MGL c. 66A) and limits the use of electronic tolling system data.

“[MassDOT] shall maintain the confidentiality of all information including, but not limited to, photographs or other recorded images and credit and account data relative to account holders who participate in its electronic toll collection system. Such information shall not be a public record under clause Twenty-sixth of section 7 of chapter 4 or section 10 of chapter 66 and shall be used for enforcement purposes only with respect to toll collection regulations.” (MassDOT Enabling Statute - MGL c. 6C s. 13).
- State Regulation: MassDOT is promulgating regulations to ensure that confidentiality of data associated with all users of the system (whether Pay By Plate, out-of-state E-ZPass or E-ZPassMA).

Allowable uses of collected data for non-toll purposes



How will MassDOT protect the privacy of drivers using its tolling system?

- Current practice is to not disclose any data for non-tolling purposes unless subpoenaed.
- Under state statute (chapter 66A, section 2(k)) DOT notifies subpoena targets of the fact of the subpoena, allowing them to take legal action to quash the subpoena.
- MassDOT will promulgate regulations which continue this practice of protecting personally identifiable data in this manner, with the exception of certain specific, emergency law enforcement related instances (see #3, “Hot List”).

Data Retention



How long will data collected through the tolling system will be retained?

- Data is collected through the AET system for the purpose of accurately charging and collecting tolls.
- The records and data collected are not public records per statute and will be retained only as necessary to carry out this purpose.
- MassDOT is in the process of preparing for filing with the State Records Conservation Board a retention and disposal schedule for this data.

The “Hot List”

What is the “Hot List” and how is MassDOT handling this function called for by the previous Administration?

- The AET contract signed in 2014 called for a Hot List function which would provide real-time notification via email to specified email addresses whenever a identified plate or transponder goes through a gantry.
- MassDOT will not use the Hot List capability for traffic enforcement, such as speeding violations, non-payment of tolls, etc.
- MassDOT is in discussions with public safety officials about the very limited circumstances in which the Secretary of the Executive Office of Public Safety and Security could request use of the AET Hot List function in the case of time-sensitive public safety emergencies, for example Amber Alerts.
- MassDOT proposes to work with EOPSS to develop a list of immediate public safety emergency circumstances where the Hot List function would be used.
- Once this work is complete, MassDOT will adopt regulations limiting the use of Hot Lists to those emergency circumstances.