ALABAMA JUSTICE INFORMATION COMMISSION
ADMINISTRATIVE CODE

CHAPTER 265-X-6
LICENSE PLATE RECOGNITION SYSTEMS FOR LAW ENFORCEMENT

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265-X-6-.01 Purpose.

(1) The purpose of this Rule is to provide uniform directions to all law enforcement agencies in Alabama regarding the use of License Plate Recognition (LPR) systems and LPR data, and the uniform retention of data collected. This Rule is intended to ensure LPRs and LPR-generated data are used only in a lawful manner to serve the public interest, preserve civil liberties and support a law enforcement agency's criminal investigative and public safety responsibilities.

Author: Maury Mitchell
Statutory Authority: Code of Ala. 1975, §41-9-620.
History: New Rule: Published January 31, 2022; effective March 17, 2022.

265-X-6-.02 Definitions.

(1) **Capturing Agency.** The law enforcement agency that operates an LPR and generates LPR data under its control.

(2) **Criminal Justice Agency.** A state, county, or municipal public agency that performs substantial activities or plans for activities relating to the identification, apprehension, prosecution, adjudication, or rehabilitation of civil, traffic, and criminal offenders.

(3) **Criminal Justice or Public Safety Purpose.** Legal actions by criminal justice agencies related to criminal investigations or protecting the public from criminal or natural threats.

(4) **Law Enforcement Agency.** State, county and municipal public agencies within Alabama charged with the enforcement of any laws and the officers or employees of which have power to make arrests.

(5) **License plate recognition system (LPR).** A system of one or more mobile or fixed high-speed cameras which combined with computer algorithms, convert images of license plates into computer-readable data. All information, including but not limited to photos, coordinates, date, and time, is considered part of the LPR.

(6) **LPR data.** Data captured by or derived through an LPR including, but not limited to, global positioning device coordinates, date and time, photograph, license plate number. [get Nlets schema]

(7) **Personal identifying information (PII).** Information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. PII includes names, gender, race, date of birth, photographs, addresses, social security numbers, driver's license numbers, or biometric data.

(8) **State LPR Registry.** A central repository maintained by the ALEA CJIS Division containing LPR data collected for a criminal justice or public safety purpose from capturing agencies.
Author: Maury Mitchell
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265-X-6-.03 Collection.

(1) A capturing agency may only collect LPR data for a criminal justice or public safety purpose.

(2) A capturing agency that has collected LPR data shall transfer all such data from the collection device to a secure repository maintained and controlled by that agency within 24 hours of the collection.
Author: Maury Mitchell
Statutory Authority: Code of Ala. 1975, §41-9-620.
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265-X-6-.04 Usage And Sharing.

(1) LPR data collected by a capturing agency shall only be used by law enforcement for a criminal justice or public safety purpose including, but not limited to, finding missing persons, investigating human trafficking or other criminal activity, and determining the ownership, location or identity of a vehicle.

(2) LPR data shall not be shared with any entity for a non-criminal justice or non-public safety purpose.

(3) LPR data subject to this rule shall not be sold to any entity for any reason.

(4) Any law enforcement agency that captures or uses LPR data shall create an **access log** to include the following information:

(a) Name of person accessing LPR data.

(b) The date and time the LPR data was accessed.

(c) The purpose for accessing LPR data.

(5) The capturing agency may share its LPR data with another criminal justice agency for criminal justice or public safety purpose, and create a **LPR dissemination log** to include the following information:

(a) The records shared.

(b) The date the records are shared.

(c) The agency receiving the records.

(d) The purpose for sharing.

Author: Maury Mitchell
Statutory Authority: Code of Ala. 1975, §41-9-620.
History: **New Rule:** Published January 31, 2022; effective March 17, 2022.

265-X-6-.05 State LPR Registry.

(1) The following LPR data within a capturing agency's repository shall be electronically submitted to the ALEA CJIS Division for inclusion within the State LPR Registry within 48 hours of its collection (This mandate will only be required once ALEA established the State LPR Registry):

(a) The license plate number captured.

(b) The date and time the of the capture.

(c) The location of the captured license plate.

(d) The ORI of the capturing agency.

(2) The State LPR Registry may be accessed through an ALEA CJIS information system by a criminal justice agency for a criminal justice or public safety purpose. The ALEA CJIS Division shall maintain an access log for the Registry.
Author: Maury Mitchell
Statutory Authority: Code of Ala. 1975, §41-9-620.
History: New Rule: Published January 31, 2022; effective March 17, 2022.

265-X-6-.06 Retention.

(1) LPR data collected by a capturing agency, as well as the data from the access log, shall be retained for no more than five years, at which time it will be destroyed or erased. This retention period is based upon national standards in the Code of Federal Regulations (CFR 28 Part 23) regarding the operation of federally funded, multijurisdictional criminal intelligence systems.

(a) Notwithstanding, specific records of LPR data may be retained beyond five years where there is an active investigation or pending case related to those records. In the event the records of the active investigation or pending case, the agency is responsible for notifying ALEA to maintain the records for longer than the five-year retention period.

(2) The State LPR Registry shall maintain data and its dissemination logs for five years.
Author: Maury Mitchell
Statutory Authority: Code of Ala. 1975, §41-9-620.
History: New Rule: Published January 31, 2022; effective March 17, 2022.

265-X-6-.07 Audit.

(1) A capturing agency record of all LPR data collected and the access and dissemination logs shall be accessible by the ALEA CJIS Division for auditing purposes.

(2) The ALEA CIJS Division will audit all capturing agencies at least once every three years.

(a) The agency head for the audited agency shall receive notice of the audit and the results. If the agency is found in non-compliance, the agency will have 90 days to comply. If the agency is still in non-compliance after 90 days, the offending agency's access to ALEA information systems relating to LPR shall be suspended until the agency is determined to be compliant.

Author: Maury Mitchell
Statutory Authority: Code of Ala. 1975, §41-9-620.
History: New Rule: Published January 31, 2022; effective March 17, 2022.

265-X-6-.08 Capturing Agency Policy.

(1) The capturing agency shall adopt and publicize a written policy governing its use prior to capturing or using any LPR data. The policy shall address all of the following:

(a) The use of any database to compare data obtained by the license plate scanner.

(b) The retention of data obtained.

(c) The sharing of the data with another law enforcement agency.

(d) The training requirements for operators of LPR.

(2) A capturing agency may contract with a third-party contractor or vendor to maintain captured LPR data.

(a) The third-party vendor shall agree to and submit an ALEA CJIS Contractor/Vendor CJI Access Security Agreement.

Author: Maury Mitchell
Statutory Authority: Code of Ala. 1975, §41-9-620.
History: New Rule: Published January 31, 2022; effective March 17, 2022.

265-X-6-.09 Misuse.

(1) Misuse of LPR systems and LPR data will be investigated in the same manner as alleged misuse of other ALEA information systems recognized by the AJIC as an information system of record.

Author: Maury Mitchell
Statutory Authority: Code of Ala. 1975, §41-9-620.
History: New Rule: Published January 31, 2022; effective March 17, 2022.

265-X-6-.10 Annual Report.

(1) The ALEA CJIS Division shall create an annual report to be provided to the Commission at the April meeting that documents the following information:

(a) The statewide audit results for the previous year.

(b) The compliance by agency of creating and public access of agencies per 256-X-6.08.

(c) Any findings of misuse per 265-X-6-.09.

Author: Maury Mitchell
Statutory Authority: Code of Ala. 1975, §41-9-620.
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