



Privacy Rights
Clearinghouse



May 3, 2021

The Honorable Luz Rivas
California State Capitol, Room 3126
Sacramento, California 95814

The Honorable Mike Gipson
California State Capitol, Room 3173
Sacramento, California 95814

Re: AB 984 – as amended 4/27/2021: OPPOSE UNLESS AMENDED

Dear Assemblymember Rivas and Assemblymember Gipson:

The undersigned organizations regret that we must respectfully oppose your AB 984 unless it is amended. The bill would authorize the DMV to make permanent the digital license plate and digital vehicle registration card (DLP/DVRC) programs. DLP/DVRCs raise a number of privacy, policing, and equity concerns that should be addressed prior to making permanent the DLP/DVRC program. We appreciate your willingness to accept some of our proposed amendments; however, the amendments taken in the Assembly Privacy & Consumer Protection Committee do not address some of our biggest concerns with the DLP/DVRC programs.

The bill does not currently restrict the information a DLP/DVRC vendor would be allowed to gather from users via the DLP/DVRC. Because electronic devices can gather extremely sensitive information, such as location data, it is important that the bill put clear limitations on what information the vendor may collect and under what circumstances. While the use of a DLP/DVRC device is optional for the vehicle owner, who must opt-in to the program, that does not mean that all users of the vehicle have consented to GPS tracking. The bill should be amended to prohibit the vendor or devices from collecting any information other than what is necessary to display evidence of registration compliance. Fleet owners have other means to collect GPS information if they wish to do so.

The current bill language appears to allow vendors to profit off mining participants' data so long as that data was not obtained to provide the device. We request the bill be amended to specify that an entity contracted with the DMV for this purpose shall not use, share, sell, or disclose *any* information obtained by virtue of contracting with the DMV to provide DLP/DVRC, including but not limited to any information about the user of a DLP/DVRC and any information collected from the device, except as required by a warrant or at the request of the vehicle driver. The bill should also prohibit secondary uses of information collected by the vendor, including the tracking or monitoring of an individual and the sharing of such information with state or federal law enforcement agencies or other private actors.

The security of data on devices and in transit between DMV servers, the vendor, and the DLP/DVRC is essential. We suggest amending AB 984 to address data security concerns, such as ensuring that the information transmitted to the DLP/DVRC, as well as any mobile app required for the DLP/DVRC, is encrypted and protected to the highest reasonable security standards broadly available. Likewise, the bill should require that DLP/DVRCs have security features that prevent data from being intercepted while being transmitted from the DMV or vendor. It will be difficult and costly for the DMV and the vendor to build a secure mobile-accessible database, but a one-time download with updates pushed out as registration is renewed may be more secure than accessing a new digital copy each time the device is used. Such a provision would also ensure that a DLP/DVRC could be used for registration verification purposes even if the DLP/DVRC is unable to connect to Wi-Fi or otherwise connect to the DMV or vendor's servers.

Because technology sometimes fails, we request the bill be amended to add language ensuring that the DLP/DVRC device automatically notify the vendor that there is a malfunction and/or that the vendor must send the person a new device. It is our understanding from conversations with the digital license plate vendor that this is already standard practice for them.

For these reasons, we must respectfully oppose AB 984 unless it is amended.

Sincerely,

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ACLU California Action

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cc: Members and Committee Staff, Assembly Appropriations Committee