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## **Simitian 'FasTrak' privacy bill passes Legislature**

*Bill heads to governor for signature -- it would protect 'locational privacy' of commuters*

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A bill to protect the "locational privacy" of commuters who use the FasTrak system to pay bridge tolls and toll-road fees has passed the Legislature and is fast-tracking its way to Governor Arnold Schwarzenegger.

"There's just no reason for a government agency to track the movements of Californians, let alone maintain that information in a database forever and ever," Joe Simitian, author of Senate Bill 1268, said of the approval.

The bill protects a person's right not to be tracked while driving in the following ways, according to an announcement from Simitian's office:

- Prohibits transportation agencies from selling or sharing personal data;
- Requires them to purge the data when it is no longer needed;
- Sets penalties for violations; and,
- Ensures that FasTrak subscribers are given notice of the privacy practices affecting them.

The bill also applies to other toll-collection systems.

The system at present creates a travel and billing record for each driver who passes a FasTrak-equipped toll booth.

But Simitian warned that "Less well known is the fact that the FasTrak cards are read by traffic-monitoring systems throughout the Bay Area and elsewhere in the state to measure traffic congestion. Cameras that photograph license plates are also used to ensure tollpayer compliance by all drivers, even those who choose to pay by cash rather than use FasTrak.

"The net result is that relatively obscure transportation agencies have personal data and travel histories for well over a million Californians, with no real meaningful legal protection from misuse of or inappropriate access to the data.

"Personal driving histories are just that, personal," said Simitian. "State law should protect and respect the privacy of California drivers." As Simitian points out, "your travel history is a road map to your personal life. Where you've been, and when, day after day, year after year, reveals a lot about you."

Beth Givens, director of Privacy Rights Clearinghouse, praised the legislation.

"This bill is necessary to ensure privacy is respected, personal data is protected, and transit agencies using electronic toll collection systems are held responsible for their use of subscriber information," she said.

More information on the bills are at [[www.senatorsimitian.com](http://www.senatorsimitian.com) [www.senatorsimitian.com/legislation](http://www.senatorsimitian.com/legislation)].