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SENATE BILL NO. 965

Senate Amendments in [] — February 5, 2015

A *BILL to amend and reenact § 2.2-3800 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-3808.3, relating to the Government Data Collection and Dissemination Practices Act; passive collection and use of personal information by law-enforcement agencies.*

Patrons Prior to Engrossment—Senators Petersen and Black; Delegate: Rasoul

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3800 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-3808.3 as follows:

§ 2.2-3800. Short title; findings; principles of information practice.

A. This chapter may be cited as the "Government Data Collection and Dissemination Practices Act."

B. The General Assembly finds that:

1. An individual's privacy is directly affected by the extensive collection, maintenance, use and dissemination of personal information;

2. The increasing use of computers and sophisticated information technology has greatly magnified the harm that can occur from these practices;

3. An individual's opportunities to secure employment, insurance, credit, and his right to due process, and other legal protections are endangered by the misuse of certain of these personal information systems; and

4. In order to preserve the rights guaranteed a citizen in a free society, legislation is necessary to establish procedures to govern information systems containing records on individuals.

C. Recordkeeping agencies of the Commonwealth and political subdivisions shall adhere to the following principles of information practice to ensure safeguards for personal privacy:

1. There shall be no personal information system whose existence is secret.

2. Information shall not be collected unless the need for it has been clearly established in advance.

3. Information shall be appropriate and relevant to the purpose for which it has been collected.

4. Information shall not be obtained by fraudulent or unfair means.

5. Information shall not be used unless it is accurate and current.

6. There shall be a prescribed procedure for an individual to learn the purpose for which information has been recorded and particulars about its use and dissemination.

7. There shall be a clearly prescribed and uncomplicated procedure for an individual to correct, erase or amend inaccurate, obsolete or irrelevant information.

8. Any agency holding personal information shall assure its reliability and take precautions to prevent its misuse.

9. There shall be a clearly prescribed procedure to prevent personal information collected for one purpose from being used for another purpose.

10. The Commonwealth or any agency or political subdivision thereof shall not collect personal information except as explicitly or implicitly authorized by law.

11. *Unless a criminal or administrative warrant has been issued, law-enforcement and regulatory agencies shall not use any technology to collect or maintain personal information in a passive manner where such data is of unknown relevance and is not intended for prompt evaluation and potential use respecting suspected criminal activity or terrorism by any individual or organization.*

§ 2.2-3808.3. Use of license plate readers by law enforcement agencies; limitations.

Notwithstanding the restrictions in § 2.2-3800, law-enforcement agencies shall be allowed to collect information from license plate readers, provided such information (i) is held for no more than seven days and (ii) is not subject to any outside inquiries or internal usage, except in the investigation of a crime or missing persons report. After seven days, the information shall [~~either~~] be purged from the system [unless it is being utilized in an ongoing investigation] .

As used in this section, "license plate reader" means a law-enforcement system that optically scans vehicle license plates using fixed-position cameras on highways or mobile cameras in patrol cars.

ENGROSSED

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