



## “Smile You’re On ‘Candid Camera’”

By Wes Bearden

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“Smile, you’re on ‘Candid Camera.’” How many of us remember that line? I guess we’ve all succumbed to the idea that our privacy has died by some measure in this modern digital age. Well, now your car’s privacy has died too. Over the last few years, law enforcement and a host of private companies have begun mass producing cameras which collect the license plates of most Americans. These camera systems have been affixed to highways, patrol cars, tow trucks and parking lots. With the use of GPS, these cameras cannot only tell you that they “saw” your car but, can tell you when they saw it, where they saw it, map it and provide you a photograph.

I know what you’re thinking: “Wes, this is just some idea right? ... They’re still years off from actually using this, right?” Nope. At least two companies have begun selling their data, which is substantial, to private companies, investigators and law enforcement. Public spending records have shown that several local police departments, IRS, immigration and customs enforcement, and intelligence agencies have awarded contracts to collect and use this information.

The technicalities of such methods have made the use of license plate recognition very useable. Although facial recognition has been around for years, it was primarily limited because of the lack of a publicly available and identifiable list of photographs with which to compare. Driver’s license photos are able to provide the data. However in many states, including Texas, driver’s license photos are exempted from public records law. Because most states allow access to motor vehicle records, license plate records provide a clear identifiable list of tags and individual names. In Texas, our car-centric attitude and travel history make identification of a car almost as good as identification of the person.

Combining this database with open public records provides an extraordinary breadth of data on an individual. For the first time, whether you consent or not, a user in an accessible 24-hour database can uncover your favorite dining locations; what ATM you drive through; your local watering hole; the exact spot you parked your car in the hotel and even the most common route you take to work. This information can be critical in identifying and locating personal and business associations, assets, missing or hidden witnesses, and hangouts. As time and data are collected and correlated with current public records databases, massive amounts of data, contacts, haunts, friends, associations, paramours and behaviors are very likely to become available.

Obviously, this brings about a host of privacy concerns. Or, does it? Although high-tech and a bit scary, these data providers merely are doing what the old gumshoe has done. Sure, they are a bit more organized and mass-produced than the old detective with a notepad and camera. After all, aren’t these rapid fire recognition cameras only recording what takes place in the public domain anyway? Although there have been some arguments regarding the evils of such tracking, without a new statute by Congress, courts are likely going to have a hard time finding good law to prohibit the use of license plate recognition technology. Moreover, litigants will find it difficult to successfully prosecute invasion of privacy claims when all that has been collected are the public comings and goings of vehicles. The reality is, the courts will take some time to rule on one side or the other of this information. In the meantime, the databases will continue to grow and access may just uncover the missing fact, asset or witness you were looking for.

So, the next time you’re driving around town, keep your eyes on the road. “They” already got you covered.