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What's trending on NP Privacy Partner

The Electronic Frontier Foundation and American Civil Liberties Union gain access to Los Angeles license plate data in settlement and New York law prohibits first responders from selling patient data for marketing purposes. Here's what's trending in data privacy and cybersecurity.

Consumer Privacy

Electronic Frontier Foundation and American Civil Liberties Union gain access to Los Angeles license plate data in settlement

The Electronic Frontier Foundation (“EFF”) and the American Civil Liberties Union (“ACLU”) have ended six years of litigation with the Los Angeles County Sheriff’s Department and the Los Angeles Police Department over the [automated collection of license plate data](#). On October 3, 2019, the parties reached a settlement where the EFF and ACLU will receive a limited amount of the de-identified data for the purposes of reviewing how this data could be used by the government and to educate the public.

The data

Throughout the city and county of Los Angeles, automated license plate reader (ALPR) systems have been implemented with the capacity to collect the images of up to 1,800 license plates per minute. California’s ALPR systems include fixed cameras as well as cameras mounted on police vehicles. The cameras scan every license plate that crosses their field of view.

Most recently, prior to the settlement, the EFF and ACLU won at the California Supreme Court, which ruled that the ALPR data are not “records of law enforcement investigations” and therefore not protected against disclosure requests under the California Public Records Act.

The settlement

Throughout the litigation, the ACLU and EFF had requested one week’s worth of de-identified data from the ALPR system “so that the legal and policy implications of the government’s use of ALPRs to collect vast amounts of information on almost exclusively law-abiding [citizens of Los Angeles] may be fully and fairly debated.” The EFF [reports](#) that it will receive exactly the requested amount in the settlement.

CCPA

Government agencies are not covered entities in the California Consumer Privacy Act (“CCPA”), coming into effect on January 1, 2020. That leaves government agencies under the same privacy and transparency regimes currently in effect. The EFF hails its victory at the California Supreme Court and the subsequent settlement as an important precedent for future challenges of broad-based data collection and surveillance by government agencies as the CCPA will be enforcing privacy regulations on private actors. – *Jenny L. Holmes*

Special thanks to Vincent Tennant for his contributions to this post.

Health Care & HIPAA

New York law prohibits first responders from selling patient data for marketing purposes

On October 7, 2019, New York Governor Andrew M. Cuomo signed into law a bill that prohibits New York ambulance service providers and advanced life support first response service providers from selling, disclosing, transferring, or otherwise using identifiable patient information for marketing purposes. “Marketing” is defined as advertising, promotion, or any other activity that is intended to influence business sales or market share, including evaluating the effectiveness of marketing personnel or practices.

Although the legislation limits marketing-related uses and disclosures, it continues to permit ambulance providers and other first responders to share identifiable patient data with the patient and those authorized to make health care decisions for the patient, with health care providers treating the patient, and with the patient’s insurer, as well as third parties that have a legal right to the information—such as those authorized by a court order, a government entity, or law enforcement personnel. With patient consent, identifiable information can be used for training, promotion, or for staff recognition and recruitment.

All types of entities—for-profit, nonprofit, and governmental—are subject to these data restrictions, although nonprofit and governmental entities may use a patient’s name and address to solicit donations.

The legislation takes effect 180 days from its October 7, 2019, enactment date. – *Valerie Breslin Montague*

For more information, please contact:

- Jenny L. Holmes at jholmes@nixonpeabody.com or 585-263-1494
- Valerie Breslin Montague at vbmontague@nixonpeabody.com or 312-977-4485

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