

**FY 2021-2022 Virginia Beach Budget
Response to Council Questions**

Question Number: 42

Question: What is our governance policy for license plate reading technology? How long the data is retained and other what conditions can people subpoena for other purposes?

Date Requested: 4/6/21

Requested By: Councilmember Moss

Department: Police

Response: In *Neal v. Fairfax County Police Department* (2020), the Supreme Court of Virginia ruled that automated license plate recognition systems are not an information system under the Government Data Collection and Dissemination Practices Act (§2.2-3800, et seq., of the Code of Virginia). Legislation to incorporate such systems into this section of the Code and limit the amount of time such information may be retained was not enacted by the General Assembly this session, with a bill having passed the Senate, but left in House Committee. Without a limitation by the General Assembly, the Police Department will seek an opinion of the City Attorney's Office to spell out the extent of privacy protections that must be considered in the use of this technology. The Police Department does not currently include these technologies in its City policies and will defer to policies that may instructed by the City Council.