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Memorandum

TO: BATA Oversight Committee

DATE: September 3, 2008

FR: Executive Director

RE: FasTrak[®] Regional Customer Service Center Privacy Policy (BATA Resolution No. 45, Revised)

In May 2005, the Authority approved BATA Resolution No. 45, Revised, to strengthen the policy on how, and under what circumstances, BATA would disclose personal information of its FasTrak[®] account holders to third party service providers. The Privacy Policy was also revised to comply with the California Online Privacy Law, which requires web operators to make it clear how an account holder can update their personal information.

MTC's 511 Driving TimesSM service operates a data collection system based on FasTrak[®] toll tags to provide better information about the transportation network to Bay Area travelers, transportation managers, and transportation planners. Staff is requesting a revision to the FasTrak[®] Privacy Policy to include language to inform FasTrak[®] customers about how their toll tag data is used and protected in support of the 511 Driving TimesSM service. Privacy language has been included in the FasTrak[®] License Agreement since the inception of the Driving Times service; this update simply applies the same messaging to the FasTrak[®] Privacy Policy for consistency.

The proposed revisions to the existing privacy policy are shown in Exhibit 1. The proposed language is the same as language currently included in the MTC 511 Privacy Policy.

Recommendation

Staff recommends that the BATA Oversight Committee refer BATA Resolution No. 45, Revised, FasTrak[®] Privacy Policy, to the Authority for approval.

Steve Heminger

SH: LL

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Bay Area Toll Authority
Privacy Policy
(Proposed revisions to existing language are in revision text)

This Privacy Policy describes the collection, use and security of the information obtained from users of the FasTrak[®] system for the efficient and effective operations of the program. This policy is consistent with Federal and State laws governing an individual's rights to privacy.

Personal Information Collected

BATA collects personal information to facilitate enrollment processing, account maintenance and to better serve FasTrak[®] accounts. Examples of personal information include a FasTrak[®] user's name, address, telephone number, email address, credit card number and expiration date, license plate number or other information that personally identifies a FasTrak[®] user. BATA obtains this personal information from applications or other forms submitted to BATA. BATA may also obtain information about a FasTrak[®] user from other sources, such as the Department of Motor Vehicles (DMV), to ensure that records are correct and complete.

How Personal Information is Used

Personal information will only be used by BATA, the Golden Gate Bridge, Highway and Transportation District (GGBHTD), and the California Department of Transportation (Caltrans) for the purpose of administering a FasTrak[®] user's account and managing the FasTrak[®] operations. In the course of administering FasTrak[®] accounts, BATA may disclose personal information to third party service providers for the purpose of operating the FasTrak[®] program (e.g., DMV, municipal courts, account processors or collection agencies); otherwise, personal information will not be disclosed to third parties, except as required by law or ordered by a court of competent jurisdiction. Information about a FasTrak[®] user's use of the system, but which does not personally identify a user, may be disclosed to others to generate statistical reports for the purpose of managing the FasTrak[®] operation.

Other Uses of Toll Tag Data

The Metropolitan Transportation Commission (MTC) 511 operates a data collection system based on FasTrak[®] toll tags to provide better information about the transportation network to Bay Area travelers, transportation managers, and transportation planners through the 511 Driving TimesSM service. Encryption software is used to mask each toll tag identification number to ensure that toll tag information is treated anonymously in the data collection process. For more information on the 511 Driving TimesSM service and how customer data is protected, please refer to MTC 511's Privacy Notice.

Security

BATA will take all reasonable steps to safeguard personal information through physical, electronic and procedural means. BATA will treat FasTrak[®] user information confidentially and require third party service providers to treat it in the same manner.

FasTrak[®] users retain the right to review and edit all of their personal information pertaining to their accounts, whether stored electronically or on paper. Personal information can be reviewed and edited online at www.bayareafastrak.org/accounts. Any inquiry or request to obtain information, in accordance with the above provisions, should be directed in writing to the FasTrak[®] Customer Service Center or to BATA. BATA may adopt procedures for review of such information, including but not limited to charging a fee for processing requests for access to personal information.

Effective Date

The effective date of this privacy policy is September 24, 2008. If BATA makes changes to this privacy policy, BATA will post the revised policy on its FasTrak[®] website, including the date of any amendments.