

SMCEL-JPA Privacy Policy
The effective date of this Privacy Policy is September 13, 2024

Overview

The San Mateo County Express Lanes- Joint Powers Authority (“SMCEL-JPA”) operates and maintains Express Lanes along the Highway 101 corridor between the San Mateo County/Santa Clara County line and the San Mateo County/San Francisco County line.

SMCEL-JPA is committed to ensuring customer privacy and security. This Privacy Policy is intended to provide an understanding of how SMCEL-JPA will handle personally identifiable information (“PII”) collected in connection with the Express Lanes and other programs owned and operated by SMCEL-JPA. Specifically, SMCEL-JPA will not provide personally identifiable information (“PII”) to any third party except as described in this Privacy Policy or consistent with the privacy protections included in pre-existing operating agreements with state and regional transportation agencies.

This Privacy Policy is intended to describe the types of information collected from customers, the third parties with whom SMCEL-JPA may share this information, the process by which customers are notified about changes to this Privacy Policy, and the process by which a customer may review and request changes to any of their PII.

PII collected in connection with the Express Lanes will also be subject to BATA’s FasTrak® Privacy Policy found at <https://www.bayareafastrak.org/en/support/privacy.shtml>. The FasTrak® Regional Customer Service Center (“RCSC”) will be responsible for customer account management, transaction processing, and violations processing for the Express Lanes. PII will be sent to the RCSC from the Express Lanes Host (defined below) for processing. By using the Express Lanes, the customer is allowing SMCEL-JPA, its contractors, and other third parties referenced herein, to process PII according to this Privacy Policy.

Definitions

The following definitions apply:

Electronic Toll Collection System: A system where a transponder, camera-based vehicle identification system, or other electronic medium is used to deduct payment of a toll from a subscribers account or to establish an obligation to pay a toll.

Person: any person who subscribes to an electronic toll collection or any person who uses a toll bridge, toll lane, or toll road that employs an electronic toll collection system.

Interoperability: means the sharing of data, including PII, across multiple transportation agencies for the sole purpose of creating an integrated toll payment system.

Personally Identifiable Information (PII): means any information that identifies or describes a person including, but not limited to, travel pattern data, address, telephone number, email address, license plate number, photograph, bank account information, or credit card number. For purposes of this section, with respect to electronic transit fare collection systems, “personally identifiable information” does not include photographic or video footage.

Aggregate Data or Aggregate Information: Aggregate Data or Aggregate Information is statistical information that is derived from collective data that relates to a group or category of persons from which PII has been removed. Aggregate Data reflects the characteristics of a large group of anonymous people.

Anonymous Data or Anonymous Information: Information that is disaggregated data from which PII has been removed, that does not identify or describe a person and that cannot be directly linked to a specific individual. SMCEL-JPA may use Anonymous Data for any agency purpose and make it available to third parties.

Bay Area Toll Payment Plan or Payment Plan: The Bay Area Toll Payment Plan is a program that allows low-income customers to make installment payments on tolls, penalties, and DMV fees owed.

Express Lanes: Express lanes along the Highway 101 corridor operated and maintained by SMCEL-JPA.

Express Lanes Host: Computer processing system that collects data, including PII, to build trips and apply tolls to those trips.

FasTrak® Account: A FasTrak® Account is an account that uses toll tags for toll payment. Such accounts are established prior to trips and have a balance prepaid by credit card, check or cash. When driving in an Express Lane the toll is deducted from the pre-paid balance.

License Plate Account: A License Plate Account is an account for which tolls are based on the vehicle's license plate number. Such accounts are established prior to trips and are backed by a valid credit card or with a balance prepaid by check or cash. When driving in an Express Lane, the full toll is charged to the credit card or deducted from the pre-paid balance.

Next Generation Community Transportation Benefits Program or Next Gen CTB Program: The Next Generation Community Transportation Benefits Program is a program that will provide a preloaded mobility debit card for qualifying individuals in San Mateo County.

One-Time Payment Account: A One-Time Payment Account is similar to a License Plate Account but is limited in duration and requires a minimum payment of one toll trip.

License Plate Data: License Plate Data is information collected from electronic images of license plates captured at toll tag read points either for the purpose of toll collection, where the customer has a License Plate or One-Time Payment Account, or for purposes of enforcement.

Travel Pattern Data: Consists of a customer's toll tag number and license plate number, as applicable, along with date, time, and location, which are collected at the entry and exist points of an Express Lane. A customer's travel locations (i.e., toll booth or Express Lanes entry and exit points) dates, and times traveled do not constitute Travel Pattern Data if such information (1) is dissociated from any specific individual to create Anonymous Data; or (2) is combined with other data to create Aggregate Data.

Collection of Personally Identifiable Information

Prior to the Opening of an Express Lane

Once tolling infrastructure is installed and prior to the opening of the SMCEL-JPA Express Lane, system testing will occur on the corridor. As a person drives on the Express Lane prior to opening, Travel Pattern Data, image of license plate and photograph of vehicle will be collected for testing purposes only. A FasTrak® customer can avoid having their toll tag number collected by placing the toll tag in the mylar bag in which the tag was first obtained by the customer. The license plate image and photograph of the vehicle will still be collected at toll tag read points.

After Opening of an Express Lane

During operational (tolling) hours, the Express Lanes system collects Travel Pattern Data, image of license plate and photograph of vehicle as a customer drives on the Express Lanes to record the transaction.

During non-operational hours, SMCEL-JPA may carry out system testing in the Express Lanes. During system testing, as a person drives on an Express Lane, Travel Pattern Data, image of license plate and photograph of vehicle will be collected for testing purposes only. The license plate image and photograph of the vehicle will still be collected at toll tag read points.

When system testing is not occurring during non-operational hours, the Express Lanes system will only capture toll tag numbers and dates, times, and locations collected at toll tag read points.

Next Generation Community Transportation Benefits Program

SMCEL-JPA collects PII from those customers wishing to participate in the Next Gen CTB Program to determine eligibility. Such PII includes name, email, home and/or mobile phone number, home address, household income, and optional demographic data such as race and ethnicity. Other PII is collected related to documentation required to prove identity (such as photo of driver's license, state-issued ID, passport, or permanent resident card) and income (such as photo of CalFresh/Electronic Benefits Transfer (EBT) card, Medi-Cal card, county benefit eligibility letter, Muni Lifeline Card, Clipper START card number, email or mobile number associated with an Express Lanes START account, tax documents, or a self-declaration of income form). An eligibility verifier (e.g., community-based organization, peer agency, third-party contractor, etc.), under contract with SMCEL-JPA, receives information submitted by applicants to verify eligibility for the Next Gen CTB Program. Once eligibility is established, the applicant's PII data is provided to SMCEL-JPA and a mobility debit card processor for participant/program management purposes and distribution of benefits.

Payment Plan

For those customers wishing to participate in the Payment Plan, PII is collected to determine eligibility. Such PII includes name, email, home and/or mobile phone number, number of people in household, household income, license plate number, state of registration, and violation number(s). Other PII is incorporated in the documentation or information requested to prove identity (such as photo of driver's license, state-issued ID, passport, or permanent resident card) and income (such as photo of CalFresh/EBT card, Medi-Cal card, county benefit eligibility letter, Muni Lifeline Card, Clipper STARTS card number, email or mobile number associated with an Express Lanes STARTS account, or tax documents) as well as in customer responses to optional application questions for demographic information (e.g. race, gender, and age). The Eligibility Verifier contractor, under contract with the Metropolitan

Transportation Commission (MTC), on behalf of BATA, obtains this documentation from information submitted by customers through the Payment Plan website and in paper form submitted by mail or facsimile transmission to perform the eligibility review. Once eligibility is established, the customer's name, email, address, phone number(s), license plate number, state of registration, and violation number(s) are provided to the FasTrak® RCSC.

How SMCEL-JPA Uses Personally Identifiable Information

SMCEL-JPA uses the PII in order to build and price Express Lanes trips, monitor, and diagnose system performance, plan for and manage express lane operations, provide customer service and respond to questions, to collect payments, and to administer benefits for eligible residents.

SMCEL-JPA may also obtain PII about a customer from other sources, such as BATA through the FasTrak® RCSC to respond to customer questions and concerns.

PII is only utilized as described in this Privacy Policy.

Third Parties with Whom SMCEL-JPA May Share Personally Identifiable Information

SMCEL-JPA will not share PII with any third party without expressed customer consent, except as described in this Privacy Policy. SMCEL-JPA will share PII with BATA and its FasTrak® RCSC contractor for testing purposes, for financial and accounting functions such as billing, account settlement, enforcement, or other financial activities required to operate and manage the electronic toll collection system or for actions taken to comply with interoperability specifications and state law.

SMCEL-JPA may also share PII with third parties involved in the Next Gen CTB Program including peer/public agencies, partner/community organizations, and contractors to verify eligibility, administer debit cards, and manage program participation. These third parties will only be provided with the PII they need to deliver services, are required to maintain the confidentiality of the information pursuant to agreements with SMCEL-JPA and may only use PII as necessary to carry out their duties as described in this privacy policy and in accordance with their agreements with SMCEL-JPA.

SMCEL-JPA may utilize PII to communicate directly, or through its RCSC contractor, with subscribers of the toll collection system about products and services offered by SMCEL-JPA, a third party with an agreement with SMCEL-JPA, or from its RCSC Contractor. In connection to the Payment Plan and Next Gen CTB Program, the Eligibility Verifier contractor may contact an individual using PII provided in the application to inform them that their application has been approved or to let them know if their application is denied or incomplete. Communication will be made using PII limited to the subscriber's name, address, and electronic mail address, provided that SMCEL-JPA has received the subscriber's consent to receive the communications.

In addition, SMCEL-JPA may hire third-party service providers to develop and operate the Express Lanes, performing such functions as monitoring traffic conditions, managing traffic, trip building and testing. These third parties are provided only with the PII they need to deliver the services. SMCEL-JPA requires the service providers to maintain the confidentiality of the information and to use it only as necessary to carry out their duties in connection with the Express Lanes.

Besides these entities, PII will not be disclosed to any other third party, except as required to comply with laws or legal processes served on SMECL-JPA.

Retention of Personally Identifiable Information

SMCEL-JPA, through its contractor, shall only store PII that is necessary to perform essential functions including toll collection, enforcement activities, operation planning and improvements, customer service, and benefit administration. SMCEL-JPA will make every effort, within practical business and cost constraints, to purge the personal account information of an account that is closed or terminated. SMCEL-JPA, through its contractor, will discard all PII no more than four years and six months after the date the PII is collected.

For Next Gen CTB participants, proof of identity and proof of income documentation is discarded no more than one year after approval, denial, or issuance of final notice of incomplete applications. For Payment Plan enrollees, proof of identity and proof of income documentation is discarded no later than 60 days after approval, denial, or issuance of final notice of incomplete applications. Paper copies of applications and supporting materials shall be discarded within 60 days after entry into the Payment Plan program database. All PII provided by Payment Plan enrollees in their applications is purged from the Payment Plan database within 60 days after the enrollee has satisfied all payments under the payment plan, the payment plan has been cancelled, or after issuance of final notice that the application is incomplete, except as required to comply with laws or legal processes.

Aggregate Data

SMCEL-JPA may combine the PII provided by customers in a non-identifiable format with other information to create Aggregate Data that may be disclosed to third parties. SMCEL-JPA may use Aggregate Data and provide Aggregate Data to others for such things as managing traffic, generating statistical reports to manage program operations and for regional transportation planning, research, and reporting. Aggregate Data does not contain any information that could be used to contact or identify individual customers.

Anonymous Data

SMCEL-JPA may also remove all PII from data to create Anonymous Data that may be disclosed to third parties. BATA may use Anonymous Data for any agency purpose and may make Anonymous Data available to third parties. SMCELJPA requires third parties with whom Anonymous Data is shared to agree that they will not attempt to make information personally identifiable, such as by combining it with other databases.

Reviewing and Requesting Changes to Customers' Personally Identifiable Information

Customers who wish to review and update their account information should refer to the procedures under the FasTrak® Privacy Policy found at <https://www.bayareafastrak.org/en/support/privacy.shtml>. SMCEL-JPA will not accept or process any customer requests to modify or update PII or account information. All other public records requests for access to PII data will be processed in accordance with

the California Public Records Act and all other applicable laws. SMCEL-JPA will object to the release of any PII on the basis of the customer's right to privacy which is protected under the California Streets and Highways Code section 31490, and all applicable statutes, rules, regulations, and orders relating to the handling of confidentiality of PII.

Changes to this Privacy Policy

Material Changes – SMCEL-JPA will inform customers if material changes are made to this Privacy Policy, in particular, changes that expand the permissible uses or disclosures of PII allowed by the prior version of the Privacy Policy. If SMCEL-JPA makes material changes to this Privacy Policy, SMCEL-JPA will notify customers by means of posting a conspicuous notice on the Express Lanes website, [<https://101expresslanes.org/>], that material changes have been made.

Immaterial Changes – SMCEL-JPA may also make non-substantive changes to the Privacy Policy such as those that do not affect the permissible uses or disclosures of PII. In these instances, SMCEL-JPA may not post a special notice on the website.

If SMCEL-JPA decides to make any change to this Privacy Policy, material or immaterial, SMCEL-JPA will post the revised policy on the Express Lanes website, along with the date of any amendment. SMCEL-JPA reserves the right to modify this Privacy Policy at any time, so the policy needs to be reviewed frequently by customers.

When SMCEL-JPA revises the Privacy Policy, the "last updated" date at the top of the Privacy Policy will reflect the date of the last change. We encourage customers to review this Privacy Policy periodically to stay informed about how SMCEL-JPA protects the security of PII collected for Express Lanes. Continued use of the Express Lanes constitutes the customer's agreement to this Privacy Policy and any updates.

SMCEL-JPA retains the right to impose an administrative fee on persons who use the San Mateo Express Lanes in an amount sufficient to cover the cost of implementing this privacy policy.

Emails Sent to SMCEL-JPA

This Privacy Policy only applies to PII that SMCEL-JPA obtains in connection with a customer's use of the Express Lanes. This Privacy Policy does not apply to other web-based content or personal information that is transmitted directly to SMCEL-JPA. A customer should not send PII in an email directly to SMCEL-JPA, if they want to keep content or data private.

Contact Information

SMCEL-JPA welcomes comments on this Privacy Policy. Also, if there are questions about this statement, please contact SMCEL-JPA at:

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History of Changes to Privacy Policy

September 13, 2024 Privacy Policy Established