November 9th, 2026

Nily Rozic
Member of Assembly
Chair
Committee on Consumer Affairs and Protection

John McDonald
Member of Assembly
Chair
Committee on Governmental Operations

Michaelle Solages
Member of Assembly
Chair
Committee on Local Governments

Re: EFF Written Testimony at Public Hearing Examining automatic license plate reader data collection and usage in New York State

Dear Chairs Rozic, McDonald, and Solages:

I am testifying today on behalf of the Electronic Frontier Foundation, a San Francisco-based, non-profit organization that works to protect civil liberties in the digital age. EFF represents more than 35,000 individual active donors and members, including thousands of people in New York. We greatly appreciate the opportunity to share our expertise as the legislature establishes standards for the use of automatic license plate reader systems in New York State.

New York has a long history of upholding constitutional protections and defending individual liberties. Grounded in these foundational principles, it is imperative that we take a rigorous, critical look at the deployment and constitutionality of Automated License Plate Reader (ALPR) surveillance across our state.

It is often argued that ALPRs are a limited investigative tool, that they are simply taking pictures of license plates to solve the most heinous crimes. But that argument ignores the reality of modern mass surveillance technology. These systems are not just snapping isolated photos, they are creating an indiscriminate, continuous dragnet capable of tracking the precise movements, habits, and associations of every single driver. This mass surveillance, which relies on the continuous retention of location data on every driver regardless of suspicion, is simply incompatible with a free society.

The system allows such intrusive surveillance, and is inherently so dangerous, that we should not use it at all. Because some cities do, judges and state legislatures must impose enforceable restraints. For example, police must not be allowed to search stored ALPR data without first getting a warrant, and such searches should be strictly reserved for only the very worst of the worst crimes.[1] Thus, the EFF has been actively fighting in courts across the country, arguing that warrantless searches of stored ALPR data violate our constitutional rights. Consider San Jose, California, a city of one million residents where EFF is currently litigating.[2] There, police searched their ALPR database a staggering two hundred and fifty thousand times in a single year, completely devoid of necessary legal limits such as a warrant requirement.

[1] Adam Schwartz (2026) "Require Police to Get a Warrant to Search ALPR Data" Electronic Frontier Foundation. https://www.eff.org/deeplinks/2026/10/require-police-get-warrant-search-alpr-data
[2] SIREN and CAIR-CA v. San Jose. Read more here: https://www.eff.org/cases/siren-v-san-jose

Without strict limits and restraints, mission creep is inevitable. In recent years, documented misuse has shown officers using this technology to stalk romantic partners,[3] track out-of-state abortion investigations,[4] surveil protesters engaged in First Amendment activity,[5] and racially profile entire groups.[6] We have seen everyday citizens tracked for low-level complaints and personal whims, from verifying whether a student lives in a specific school zone to following up on a car playing loud music.[7] If a police chief stood in front of a city council, or this very commission, and asked to install thousands of cameras just to investigate the high crime of loud music, they would be laughed out of the room. Yet, without enforceable limits, ALPR databases foster this culture of unrestricted access, allowing a mass surveillance network to be treated as a personal search engine.

This is why EFF believes that ALPR mass surveillance—the indiscriminate, continuous collection and retention of location data on every driver, regardless of suspicion—should not exist and is incompatible with a free society and our founders' American principles. It is why we ultimately urge government to cease use of this technology altogether.

Because some communities in New York State nonetheless do use ALPRs, as mentioned earlier, the EFF urges this commission to recommend that the state legislature immediately step in and impose strict, enforceable restrictions on ALPRs.

First and foremost, this means establishing an ironclad warrant requirement. Police already have a standard, familiar legal process to obtain cell phone location data from a judge based on probable cause. ALPR databases must be held to that same exacting standard. And warrants should only be available to investigate serious violent crimes.

Second, we must mandate rigid data deletion deadlines. Retention periods should be measured in minutes, or at most a few days. We highly recommend New Hampshire's model, which dictates that data should be deleted after just three minutes if a vehicle's license plate is not already on a hotlist.[8] The ALPR private vendor Flock recently reduced

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[3] Drew Harwell, Douglas MacMillan and Aaron Schaffer (2026) "How rogue officers turned a nationwide camera network into a tool for stalking" The Washington Post. https://www.washingtonpost.com/technology/2026/08/02/how-police-officers-used-vast-network-cameras-spy-their-exes/

[4] Dave Maass and Rindala Alajaji (2025) "Flock Safety and Texas Sheriff Claimed License Plate Search Was for a Missing Person. It Was an Abortion Investigation." Electronic Frontier Foundation. https://www.eff.org/deeplinks/2025/10/flock-safety-and-texas-sheriff-claimed-license-plate-search-was-missing-person-it

[5] Dave Maass and Rindala Alajaji (2025) "How Cops Are Using Flock Safety's ALPR Network to Surveil Protesters and Activists." https://www.eff.org/deeplinks/2025/11/how-cops-are-using-flock-safetys-alpr-network-surveil-protesters-and-activists

[6] Rindala Alajaji and Dave Maass (2025) "License Plate Surveillance Logs Reveal Racist Policing Against Romani People." https://www.eff.org/deeplinks/2025/11/license-plate-surveillance-logs-reveal-racist-policing-against-romani-people

[7] Dave Maass and Rindala Alajaji (2026) "More License Plate Reader Mission Creep: School Residency Verification, Background Checks, and Noise Complaints" https://www.eff.org/deeplinks/2026/05/more-license-plate-reader-mission-creep-school-residency-verification-background

[8] NH Rev Stat § 261:75-b (2016)

its default retention period from thirty days to seven, which is in line with the nationwide trend towards shorter retention periods. New York must go further – and legally mandate an even shorter deletion deadline – to ensure constitutional rights are respected and to protect this data from data thieves and employee misuse.

Third, there must be a rigorous audit trail for searches of ALPR data, followed by annual outside audits. Officers must provide a valid, documented reason, and a warrant number, for every search. And the auditor must assess the validity of these reasons, and identify officers who are conducting invalid searches.

Crucially, New York State must retain the ability for citizens, journalists, and investigators to access these audit logs through public records requests, subject to appropriate privacy redactions, such as for other people's names and plate numbers. Unfortunately, lawmakers in other states are currently passing laws to hide ALPR data from the public. Public records have often been the best way to expose the harms and privacy violations of these systems, and state lawmakers must not cut off access to that vital transparency and oversight.

Finally, New York State must ensure that its state and local agencies only disclose their ALPR data to agencies within the state, and not to federal and out-of-state agencies. New York has its own laws and own values, and should not allow the whims of out-of-state and federal agencies, enforcing laws with no parallel in the state, to track down the location information of New Yorkers.

We strongly urge you to recommend state legislation forbidding ALPR mass surveillance in New York, as well as state legislation imposing strict enforceable constraints on ALPRs. We have also submitted a copy that details our recommendations on ALPR legislation for the committee's consideration.[9] Thank you for your time.

Sincerely,



Rindala "Rin" Alajaji
Associate Director of State Affairs
Electronic Frontier Foundation

cc: Members and Staff of the Assembly Standing Committees on Consumer Affairs and Protection, Governmental Operations, and Local Governments.

[9] Adam Schwartz and Rindala Alajaji (2026) "EFF's State Legislative Agenda to End ALPR Mass Surveillance." Electronic Frontier Foundation. https://www.eff.org/deeplinks/2026/10/effs-state-legislative-agenda-end-alpr-mass-surveillance