



**EXECUTIVE
INSTRUCTION**

NUMBER: 99-1

SUBJECT:

**E-ZPASS ACCOUNT INFORMATION
POLICY (25-8-01)**

FROM:

John Lentz
EXECUTIVE DIRECTOR

2/15/99
DATE

DISTRIBUTION:

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The E-ZPass Interagency Group (IAG) recently adopted a Reciprocity Agreement for the transfer of toll transactions among the customer service centers of the IAG member agencies. Among other things, the Reciprocity Agreement addressed the confidentiality of account information received from another IAG member agency and the confidentiality of a member agency's own account information.

To this end, the Thruway Authority Board has approved the attached E-ZPass Account Information Policy (25-8-01). The General Counsel is responsible for interpreting this Policy and should be contacted if you have any questions.

The Policy replaces the E-ZPASS POLICY STATEMENT - REQUESTS FOR CUSTOMER INFORMATION, issued by Mr. M. Zimmerman on May 27, 1994. If you have a copy of that Policy Statement, please discard it.

Please become familiar with the new Policy and discuss it with appropriate staff. If you have an Administrative Manual, please file the updated Table of Contents and the attached Policy in your Manual.

Attachment(s)



GENERAL POLICY

SECTION TITLE

NUMBER
25-8-01

POLICIES -- OPERATING

APPROVED

**BOARD MEETING NUMBER: 574
RESOLUTION NUMBER: 4900
DATE: November 20, 1998**

SUBJECT

**E-ZPASS ACCOUNT
INFORMATION POLICY**

**NEW YORK STATE THRUWAY AUTHORITY
E-ZPASS ACCOUNT INFORMATION POLICY**

As the operator of an electronic toll collection system, known as E-ZPass, the Thruway Authority is the repository for data concerning the movement of electronic tags issued by the Authority or other tolling facilities to customers who choose to utilize the E-ZPass system. The universe of individuals and entities that have established E-ZPass accounts is quite diverse. Such diversity is similarly reflected in the varying methodologies that are utilized to request E-ZPass account information from the Authority.

All E-ZPass account holders, in whatever form they may be (individuals, corporate entities, public bodies, etc.), always have the ability to access their own Thruway account information and to request that such information be sent to a third party. This Policy sets forth the circumstances under which the Authority, absent a request from or the consent of the account holder, will release to third parties or on its own utilize the E-ZPass account information of its own customers or the customers of another tolling facility. The Authority is strongly committed to the concept of personal privacy, and the guiding principle behind this Policy is to protect the privacy of this information to the greatest extent possible.

When used in this Policy, the term "account information" means all information about an account holder and the vehicles utilizing that account, including but not limited to: the account holder's name, address, and any other identifying characteristics; the make, model, year and plate number of such vehicles; all photographs, microphotographs, videotapes and other recorded images of such vehicles created by E-ZPass equipment; and itemized statements of account deductions for the use of such system.

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THIRD PARTY USE OF E-ZPASS ACCOUNT INFORMATION

1. The Authority will not make available to the public, unless required to do so by New York State law, individual or aggregate account information concerning its own customers or the customers of another tolling facility. This means that:
 - A. Requests for account information submitted pursuant to the Freedom of Information Law (FOIL) will be considered and either denied or approved in accordance with the provisions of that law and any rules or regulations promulgated thereunder. All FOIL requests for such information will be handled in accordance with standard Authority policy and practice.
 - B. The Authority will honor subpoenas for account information when issued as part of a criminal investigation or proceeding provided that such subpoenas are: issued by a court, grand jury, or law enforcement agency of competent and appropriate jurisdiction with statutory authority to issue such subpoenas; and do not contain any irregularities which would, in the Authority's judgment, render the release of such information improper.
 - C. The Authority will not honor subpoenas for account information when issued as part of a civil matter unless directly ordered by a court of competent jurisdiction. Even when such a court order is presented, if the Authority believes that release of the requested information would be contrary to its legal and/or business obligation to protect the personal privacy of its customers, the Authority may move the court to determine whether or to what extent the subpoena should be honored.
2. When in receipt of account information about the customer of another tolling facility, the Authority will release that information to another governmental entity only as required by law, unless otherwise agreed between the Authority and that tolling facility. The Authority may, in its discretion, release its own account information to federal, state or local law enforcement agencies when such agencies are investigating violations of law which: occurred on Authority or Canal Corporation property; involve the loss of Authority or Canal Corporation assets; or involve actual or potential injury to Authority or Canal Corporation employees, their concessionaires, members of New York State Police Troop I, or travelers on the Thruway or Canal systems.

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3. The Authority will not sell, distribute or make available in any way the names and addresses of its own customers or the customers of another tolling facility for fundraising purposes or commercial purposes not involving E-ZPass transactions.
4. From time to time, the Authority may make statistical information about E-ZPass usage on the Thruway available to the public provided the information is presented in such a way that it cannot be used to identify an individual person or vehicle.

AUTHORITY USE OF E-ZPASS ACCOUNT INFORMATION

1. The Authority will utilize individual and aggregate account information concerning its own customers or the customers of another tolling facility solely for the following purposes:
 - A. billing an account holder or deducting toll charges from the account holder's account;
 - B. enforcement of toll collection and related regulations or violations of the account holder's customer agreement;
 - C. in a judicial or administrative action or discovery proceeding to which the Authority is a party;
 - D. the operation of commercial vehicle operation programs;
 - E. for traffic and facility management purposes, provided such use does not identify an individual person or vehicle; and
 - F. with respect to account information received from another tolling facility, as otherwise permitted by such other facility.
2. The Authority will require all contractors performing work involving access to E-ZPass account information to comply with the terms of this Policy.