

**BAIFA Privacy Policy**  
**The effective date of this Privacy Policy is July 27, 2016**  
**Last Updated July 27, 2016**

## **Overview**

The Bay Area Infrastructure Financing Authority (BAIFA) is committed to ensuring customer privacy and security. Specifically: (1) BAIFA will not provide personally identifiable information (“PII”) to any third party except as described in this Privacy Policy; (2) such PII will never be provided to advertisers for their use; and (3) BAIFA will maintain a secure environment for customer PII.

This Privacy Policy is intended to provide an understanding of how BAIFA handles PII collected in connection with the Express Lanes. Among other things, this policy explains the types of information collected from customers, the third parties with whom BAIFA may share this information, and the process by which customers are notified about changes to this policy.

BAIFA is a Joint Powers Authority established pursuant to a joint exercise of powers agreement between the Metropolitan Transportation Commission (MTC) and the Bay Area Toll Authority (BATA). When the first of the Express Lanes (I-680 between Walnut Creek and San Ramon in Contra Costa County) opens in 2017, 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 (CSC) will be responsible for customer account management, transaction processing, and violations processing for the Express Lanes. PII will be sent to the CSC from the Express Lanes Host for processing. The Host is operated and maintained by a contractor under contract to BAIFA. By using the Express Lanes, the customer is allowing BAIFA, its contractors, and other third parties referenced herein, to process PII according to this Privacy Policy.

## **Definitions**

The following definitions apply:

**Personally Identifiable Information (PII):** PII identifies or describes a person or can be directly linked to a specific individual. Examples of PII include but are not limited to: a person’s name, mailing address, email address, telephone number, toll tag number, license plate number, photograph of vehicle, and Travel Pattern Data.

**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.

**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 as a Solo Driver, 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 as a Solo Driver, the toll is charged to the credit card or deducted from the pre-paid balance.

**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:** Travel Pattern Data consists of an Express Lanes customer's toll tag number and license plate number, along with the date, time and location, which are collected at toll tag read points, including the entry and exit points of an Express Lane.

**Express Lanes:** Express Lanes operated and maintained by BAIFA.

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

**Solo Driver:** A FasTrak® customer who uses one of the Express Lanes and does not indicate through proper transponder use that he or she meets the occupancy requirements to qualify for free tolls as a carpool.

## **Collection of Personally Identifiable Information**

### Prior to Opening of the First of the Express Lanes

During the period from September 2016 until the opening of the I-680 Express Lane in 2017, system testing will occur on I-680. As a person drives on the I-680 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 his or her 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 the Express Lanes

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, BAIFA 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. A FasTrak<sup>®</sup> customer can avoid having his or her 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.

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. A FasTrak<sup>®</sup> customer can avoid having his or her toll tag number and associated travel information collected by placing the toll tag in its mylar bag.

### **How BAIFA Uses Personally Identifiable Information**

BAIFA uses the PII in order to build and price Express Lanes trips, monitor and diagnose system performance, plan for express lane operations, provide customer service and respond to questions, and to collect payments.

BAIFA may also obtain PII about a customer from other sources, such as BATA through the FasTrak<sup>®</sup> CSC to respond to customer questions and concerns.

PII is only utilized as described in this Privacy Policy.

### **Third Parties with Whom BAIFA May Share Personally Identifiable Information**

BAIFA will share PII with BATA and its FasTrak<sup>®</sup> CSC contractor for testing purposes and for processing transactions.

In addition, BAIFA hires 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. BAIFA 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 BAIFA.

### **Retention of Personally Identifiable Information**

BAIFA, through its contractor, shall only store PII that is necessary to perform essential functions including toll collection, enforcement activities, operation planning and improvements, and customer service. BAIFA, through its contractor, will discard all PII no more than four years and six months after the date the PII is collected.

### **Security of Personally Identifiable Information**

BAIFA is committed to the security of customer PII. BAIFA, together with its contractor, stores the collected PII on computer servers that are located in secure, controlled facilities. Servers are designed with software, hardware and physical security measures in place to prevent unauthorized access.

Access to PII is controlled through the following administrative, technical, and physical security measures. By contract, third parties with whom BAIFA shares PII are also required to implement adequate security measures to maintain the confidentiality of such information.

Administrative:

- Access to PII is limited only to certain operations and technical employees for limited, approved purposes based on their specific work responsibilities.
- Privacy and security training is required for employees with access to PII, upon hire. In addition, regular periodic refresher training is required for those employees.

Technical:

- Server network perimeters are protected with firewalls.
- Databases are implemented to ensure PII is segregated from Aggregate Information.
- Storage of PII is encrypted or is protected by software, hardware and physical security measures to prevent unauthorized access.
- Internal and external audits of perimeter and software code security are conducted.
- Electronic communications containing PII are transmitted via an encrypted channel or encrypted format to prevent unauthorized access.

Physical:

- Physical access to internal BAIFA servers within data centers is restricted to authorized technical personnel via photo/passcode authentication, and other security protocols.

BAIFA cannot secure PII that is released by customers or PII that customers request BAIFA to release. In addition, there is a risk that unauthorized third parties may engage in illegal activity by such things as hacking into BAIFA's Express Lanes' system by intercepting transmissions of personal information over the Internet. BAIFA is not responsible for any data obtained in an unauthorized manner.

**Aggregate Data**

BAIFA 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. BAIFA 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.

**Reviewing and Requesting Changes to Customer's 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>.

### **Changes to this Privacy Policy**

**Material Changes** – BAIFA 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 BAIFA makes material changes to this Privacy Policy, BAIFA will notify customers by means of posting a conspicuous notice on the Express Lanes website, <http://mtc.ca.gov/express-lanes>, that material changes have been made.

**Immaterial Changes** –BAIFA 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, BATA may not post a special notice on the website.

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

When BAIFA 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 BAIFA 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.

### **Emails Sent to BAIFA**

This Privacy Policy only applies to PII that BAIFA 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 BAIFA. A customer should not send PII in an email directly to BAIFA, if he or she wants to keep content or data private.

### **Contact information**

BAIFA welcomes comments on this Privacy Policy. Also, if there are questions about this statement, please contact the BAIFA Privacy Officer at:

Bay Area Infrastructure Financing Authority  
Attn: Privacy Officer  
375 Beale Street, San Francisco, CA 94105-2066

Or e-mail: [privacyofficer@mtc.ca.gov](mailto:privacyofficer@mtc.ca.gov)  
Or call: 415-778-6700

### **History of Changes to Privacy Policy**

July 27, 2016 Privacy Policy Established