

VTA Express Lanes Privacy Policy

The effective date of this Privacy Policy is March 1, 2019

Last Updated March 1, 2019

Overview

Santa Clara Valley Transportation Authority (“VTA”) operates and maintains Express Lanes which may be used by motorists carrying a FasTrak[®] toll tag. VTA currently operates Express Lanes in the following locations:

- State Route 237 between I-880 and Mathilda Avenue
- Interstate 880 between south of Dixon Landing and SR-237

VTA is committed to ensuring customer privacy and security. This Privacy Policy is intended to provide an understanding of how VTA handles personally identifiable information (“PII”) collected in connection with the Express Lanes. Specifically, VTA will: (1) not provide PII to any third party except as described in this Privacy Policy; (2) not provide PII to advertisers for their use; and (3) maintain a secure environment for customer PII. This policy explains the types of information collected from customers, the third parties with whom VTA may share this information, and the process by which customers are notified about changes to this policy.

PII collected in connection with the Express Lanes is also subject to Bay Area Toll Authority’s (“BATA’s”) FasTrak[®] Privacy Policy found at <https://www.bayareafastrak.org/en/support/privacy.shtml>. The FasTrak[®] Regional Customer Service Center (“FasTrak[®] CSC”), operated by BATA’s contractor, will be responsible for customer account management, transaction processing, and violations processing for the Express Lanes. PII will be sent to the FasTrak[®] CSC from the Express Lanes Host for processing. By using the Express Lanes, the customer is allowing VTA, 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 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 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 VTA.

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

Collection of Personally Identifiable Information

The Express Lanes utilize FasTrak® toll tags and/or license plates to identify vehicles for purposes of assessing tolls. During operational (tolling) hours, the Express Lanes system collects Travel Pattern Data, an image of the license plate, and a photograph of the vehicle as a customer drives on the Express Lanes to record the transaction.

During non-operational hours, VTA may carry out system testing in the Express Lanes. During system testing, as a person drives on an Express Lane, Travel Pattern Data, an image of the license plate and photograph of vehicle will be collected for testing purposes only.

When system testing is not occurring during non-operational hours, the Express Lanes system will only capture Travel Pattern Data.

How VTA Uses PII

VTA uses the PII in order to (i) build and price Express Lanes trips, (ii) monitor and diagnose system performance, (iii) plan for express lane operations, (iv) provide customer service and respond to questions, and (v) collect payments.

VTA may also obtain PII about a customer from other sources, such as BATA through the FasTrak[®] CSC to assist in responding to customer questions and concerns.

VTA and BATA may also obtain information from the California Department of Motor Vehicles as needed to issue violation notices to motorists who use the Express Lanes without a valid FasTrak[®] account and as otherwise needed for toll dispute review.

PII is only utilized as described in this Privacy Policy.

Third Parties with Whom VTA May Share Personally Identifiable Information

VTA has an agreement with BATA for toll collection and customer services necessary to operate the Express Lanes. Toll collection and transaction processing relies on electronic transfer of information between VTA and the FasTrak[®] CSC to match vehicles using the Express Lanes to FasTrak[®] accounts. VTA will also share PII with BATA and the FasTrak[®] CSC for testing purposes.

In addition, VTA may hire third-party service providers to develop and operate the Express Lanes and VTA's systems, 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. VTA 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 VTA.

Retention of Personally Identifiable Information

VTA, and its third-party service providers used to store PII, shall only store PII that is necessary to perform essential functions including toll collection, enforcement activities, operation planning and improvements, and customer service. VTA, and any third-party service providers who store PII, will discard all PII no more than four years and six months after the date the PII is collected.

Security of PII

VTA is committed to the security of customer PII. VTA 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 VTA 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 VTA servers within data centers is restricted to authorized technical personnel via photo/passcode authentication, and other security protocols.

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

Aggregate Data

VTA 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. VTA may use Aggregate Data and provide Aggregate Data to others for purposes including 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 PII

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>. VTA will not accept or process any customer requests to modify or update any PII or account information. All other public requests for access to PII data will be processed in accordance with the California Public Records Act and all other applicable laws. VTA will object to the release of any PII on the basis of the customer's right to privacy which is protected under California Streets and Highways Code section 31490, and all applicable statutes, rules, regulations and orders relating to the handling and confidentiality of PII.

Changes to this Privacy Policy

Material Changes – VTA 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 VTA makes material changes to this Privacy Policy, VTA will notify customers by means of posting a conspicuous notice on the Express Lanes website, <http://www.vta.org/getting-around/using-express-lanes>, that material changes have been made.

Immaterial Changes – VTA 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, VTA may not post a special notice on the website.

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

When VTA revises the Privacy Policy, the “last updated” date at the top of the Privacy Policy will reflect the date of the last change. VTA encourages customers to review this Privacy Policy periodically to stay informed about how VTA 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 thereto.

Emails Sent to VTA

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

Contact information



VTA welcomes comments on this Privacy Policy. Also, if there are questions about this Privacy Policy, please contact the VTA Customer Service at:

Santa Clara Valley Transportation Authority
Attn: Customer Service
3331 North First Street
San Jose, CA 95134-1927

Or e-mail: customer.service@vta.org
Or call: (408) 321-2300