

COMMONWEALTH OF VIRGINIA

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JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

ADVISORY COMMITTEE on PRIVACY WEDNESDAY, JULY 7, 2004 at 1:30 p.m. HOUSE ROOM D, GENERAL ASSEMBLY BUILDING RICHMOND, VIRGINIA

Agenda

Charge: Review current privacy laws and practices as they pertain to information and its treatment both in cyberspace and physical space, including the impact of criminal laws and document filing requirements.

Propose policies and guidelines for public bodies to evaluate the use of potentially invasive technologies when determining whether to support their use financially or to authorize or prohibit their use.

Objectives: To begin a review of the use and misuse of potentially invasive technologies.

1:30 p.m. Call to Order and Welcome
Delegate May, Senator Watkins, Delegate Alexander

1:35 p.m. Introduction of Advisory Committee Members / Roll Call
Advisory Committee Members

1:40 p.m. Privacy Advisory Committee Introduction, Background and Objectives
Mitchell Goldstein, Director, JCOTS

1:50 p.m. House Bill 1304 (Lingamfelter) and House Bill 697 (Morgan)
The Honorable L. Scott Lingamfelter, House of Delegates (by phone)

During the 2004 Regular Session, the House Committee on Science and Technology (HCST) considered and carried over bills that would have required (i) public bodies to conduct a privacy impact analysis when authorizing or prohibiting the use of invasive technologies (HB 1304) and (ii) manufacturers of vehicles equipped with recording devices to disclose that fact in the owner's manual. HCST referred these bills to JCOTS for study.

Event Data Recorders (45 min.)

Robert J. Breitenbach, Director, Transportation Safety Training Center, Virginia Commonwealth University

Radio Frequency Identification (RFID) (30 min.)

Bradley Canel, Manager, Accenture Technology Labs

Tracking Technologies for 911 (30 min.)

Steve Marzolf, Public Safety Communications Coordinator, Virginia Information Technologies Agency

Spyware (20 min.)

Brian Tretick, Technology & Security Risk Services, Ernst & Young

4:25 p.m. Next Meeting – August 18 at 1:30 p.m. in House Room D

Topic: Continue to discuss use and misuse of modern technologies (e.g., facial recognition technology) and begin discussing privacy of personally identifiable information. During the 2004 Regular Session, the House Committee on Science and Technology (HCST) considered and carried over a bill (House Bill 753) that would have limited the availability of social security numbers to general public from public records. Also, the General Assembly passed a bill (House Bill 543) that limits the use of unique identifying numbers (it was enacted with a re-enactment clause). The Committee will discuss these and proposed and enacted changes to the Personal Information Privacy Act.

4:30 p.m. Adjourn
Chairman

SUMMARIES

House Bill 1304 - Lingamfelter

Privacy impact analysis; policies and guidelines for using invasive technologies; impact on civil liberties; Joint Commission on Technology and Science. Requires public bodies to conduct a privacy impact analysis when authorizing or prohibiting the use of invasive technologies (e.g., radio frequency identification, tracking systems, facial recognition systems, hidden cameras, spyware, photo monitoring systems and Internet wiretaps) beginning July 1, 2006. The bill requires the Joint Commission on Technology and Science (JCOTS) to propose to the Governor and the 2006 General Assembly, by the first day of the 2006 Regular Session of the General Assembly, policies and guidelines for public bodies to follow in conducting the privacy impact analysis. In developing the policies and guidelines, the bill requires JCOTS to review the invasive technologies available for use, the current legal requirements of their use and the reasons for their use, their impact on civil liberties, and any safeguards that are or should be used to mitigate negative impacts.

House Bill 697 - Morgan

Event data recorders; vehicle manufacturers; disclosure. Requires a manufacturer of a new motor vehicle sold or leased in the Commonwealth that is equipped with one or more recording devices, commonly referred to as "event data recorders" (EDR) or "sensing and diagnostic modules" (SDM), to disclose that fact in the owner's manual for the vehicle. The bill would prohibit specified data that is recorded on a recording device from being downloaded or otherwise retrieved by a person other than the registered owner of the motor vehicle, except under specified circumstances. The bill would also require a subscription service agreement to disclose that specified information may be recorded or transmitted as part of the subscription service. The bill applies to all motor vehicles manufactured on or after July 1, 2004.