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metro.net**AD HOC CONGESTION PRICING COMMITTEE  
November 17, 2010****SUBJECT: EXPRESSLANES PRIVACY STATEMENT****ACTION: RECEIVE AND FILE****RECOMMENDATION**

Receive and file the attached draft ExpressLanes Privacy Statement.

**RATIONALE**

Customer privacy is important to the success of the ExpressLanes project. MTA's privacy statement conveys management's intent, objectives, requirements, responsibilities, and standards. Staff has developed the attached draft Privacy Statement to demonstrate the commitment to protect the privacy and confidential information of our customers and potential visitors. The Privacy Statement will guide us in handling personal information that is collected for the administration and operations of the ExpressLanes.

**BACKGROUND**

Privacy statements are developed to communicate to our customers and visitors the handling of their personal information. Privacy statements enhance the transparency of the administration and operations of MTA and its third party service providers. It also gives our customers and visitors a better understanding of the sort of personal information we will be collecting and how it will be used.

The information is collected to provide our customers a smooth and efficient operation and to improve our ExpressLanes product, services and technologies. The information collected will not be marketed, sold, traded, and/or disclosed to third parties except when individuals give consent and/or provide the information on a voluntary basis. Where personal information is transferred to a third party service provider for processing, we require the service provider to respect and comply with this Privacy Statement and we restrict them from using or disclosing personal information transferred to them for any purpose other than the provision of services to us.

This Privacy Statement may be updated periodically to reflect new laws and enhancements to the ExpressLanes' website that may affect the use of personal

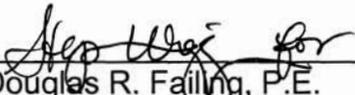
information. If there are material changes to this statement or in how MTA will use personal information, we will notify the customer either by prominently posting a notice on the website of such changes prior to implementing the change or by directly sending the customer a notification via email, mail or phone message.

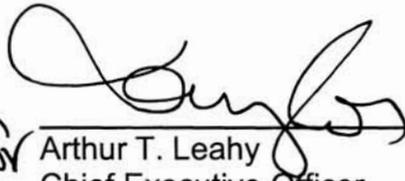
### **NEXT STEPS**

The draft Privacy Statement requires rigorous review by various parties including legal due to the requirement complexity of multiple state laws, regulations and rules regarding the protection of personal information such as Privacy Protection laws, Telephone Consumer Protection Act, Child Protection Act. The Privacy Statement will be finalized and made available with an effective date to all customers and potential visitors ninety days prior to collection of any personal information for the ExpressLanes project.

**ATTACHMENT:** ExpressLanes Privacy Statement

Prepared by: Stephanie Wiggins, Executive Officer, Congestion Reduction Initiative

  
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Douglas R. Failing, P.E.  
Executive Director, Highway Program

  
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for Arthur T. Leahy  
Chief Executive Officer

## **ExpressLanes (I-10 and I-110) Privacy Statement**

MTA is sensitive to our customers concerns about how we may use and share personal information that we collect from our customers. We recognize and respect the importance of maintaining their privacy. Information about our customers and potential visitors are an important part of our business. We use the information we collect to enhance customer communication, to facilitate transactions and to inform customers about changes to services, and announcements.

### Collection of Personal Information

MTA will only collect personal information voluntarily provided by customers to facilitate the establishment and management of ExpressLanes account registration or other purposes listed herein. When customers register for an account, MTA will ask all individuals to provide basic personal information needed to manage account activity. The basic information may include, but is not limited to, name, home or work address, telephone number, email address, license plate number, credit/debit card number, expiration date, and other billing information.

MTA may require customers to provide certain personal information in order to complete a specific transaction online. The information is required in order to provide the customer with specific services. The customer may choose not to provide information. However, if a customer chooses not to provide information, MTA will not be able to complete the transaction or provide services. The customer will have to complete their transaction either in person or by mail.

We will also ask customers for demographic information, including but not limited to, zip code and income level. Providing this demographic information will be optional and not a requirement to establish an active account.

When customers access their account online, they will login using their email address and password/PIN number. MTA will implement appropriate measures to help safeguard login information and ensure there is a secure procedure for generating and changing passwords.

### Customer Rights and Choices

Customers and visitors have the right to restrict the sharing of personal information to MTA and/or its third party service provider. Unless the customer asks MTA not to, MTA and/or our third party service provider may contact the customer via email or phone in the future to inform them of such things as new ExpressLanes products or services, promotions or changes to this Privacy Statement.

Customers may make the privacy choice at any time and will remain unchanged until the customer chooses otherwise. Customers may exercise that choice by contacting MTA and/or our third party service provider by phone, email or online.

## Use of Personal Information

MTA collects and uses personal information to enhance our operation and improve its web site and offered services. These uses may include providing customers with more effective customer service and performing research and analysis aimed at improving ExpressLanes products, services and technologies.

The personal information is also used to provide customers with reminder notices, billing information, technical information and announcements.

## Sharing of Personal Information

MTA may disclose personal information to third-party service providers to facilitate in the course of doing business (i.e., DMV, law enforcement, municipal courts or collection agencies); otherwise it will not be disclosed, except by law or ordered by a court.

MTA will not sell, trade, distribute or disclose the customer's personal information unless disclosed in this Privacy Statement or we notify the customer and have received their consent.

MTA may provide aggregate information about our customers' use of MTA ExpressLane services and online website information to our funding partners, advertisers and agency partners. Such aggregate information will not contain any personally identifiable information.

MTA may employ other companies and individuals as a third party service provider to perform functions on MTA's behalf as allowed by law. Third party service providers have access to personal information needed to perform their functions, but personal information may not be used for other purposes.

MTA may disclose personal information to our service providers in connection with an investigation of fraud, intellectual property infringement, piracy or other activity that may expose us to liability.

## Retaining of Personal Information

The information collected through the MTA website is retained by the MTA and its third party service provider in accordance with applicable records retention and disposition requirements of MTA and California laws.

## Changes to Privacy Statement

MTA will occasionally update this privacy statement to reflect changes in our services and customer feedback. If there are material changes to this statement or in how MTA will use personal information, we will notify the customer either by prominently posting a notice of such changes prior to implementing the change or by directly sending the

customer a notification. Customers are encouraged to periodically review this statement to be informed of how MTA will protect customer information.