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December 7, 2017

VIA ELECTRONIC MAIL AND FACSIMILE
651-297-7909

Minnesota Department of Administration
200 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155
info.ipad@state.mn.us

Re: Breezy Point Audit

Dear Commissioner:

Enclosed please find a copy of the biannual Auditor's Report on Legal Compliance for the City of Breezy Point Police Department for the Automated License Plate Reader with the attached Exhibit A.

If you have any questions or comments regarding the above, do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ilissa Ramm", is written over a white background.

Ilissa Ramm
Associate General Counsel

Enclosures



Auditors Report on Legal Compliance for the City of Breezy Point Police Department

I. Scope

The Automated License Plate Reader ("ALPR") audit was conducted on July 26, 2017, in terms of the approved audit plan per Minnesota Statutes § 13.824. The time period covered for the biannual Audit is for the period ending July 31, 2017. Audit procedures performed are designed to evaluate whether Breezy Point Police Department maintains records showing the date and time the ALPR data was collected and whether the applicable classification of the data was properly maintained.

II. Sources of Information

Discussions were held with Chief Kevin Merschman and Officer Joseph Garcia. Audit work was conducted on the basis of questionnaire, inquiry, observation, confirmation and verification of supporting documentation.

III. Audit Summary and Findings

The Minnesota Data Practices Act, Minnesota Statutes § 13.824, Subd. 6, requires the Breezy Point Police Department to maintain a log of use, maintain records showing the date and time ALPR data was collected and the applicable classification of the data. Additionally, Breezy Point Police Department is required to maintain records demonstrating the ALPR data is properly classified, maintain records for how the data is used, properly destroyed and maintains proper access to the data.

The results of our independent audit indicate that for the items examined, Breezy Point Police Department complied with the material terms and conditions of the applicable legal provisions outlined in Minnesota Statutes § 13.824 as summarized in Exhibit A, except as described below where there is currently corrective action occurring to come into compliance by the end of August 2017.

Breezy Point Police Department had not updated their Data Practices Policies and Procedures in several years resulting in a failure to have a compliant adequate breach notification requirement in place. However, the agency has taken corrective action prior to the filing of this Audit report by updating their Data Practices Policies and Procedures and are awaiting City Council approval as demonstrated on a copy of the City of Breezy Point City Council Agenda for August 2017, where the City Council will vote to adopt the updated policies and procedures for Minnesota Chapter 13, including a policy and procedure for complying with data breach notification requirements.

The City of Breezy Point Police Department has only one officer with access to the ALPR software, Officer Joseph Garcia. The Agency, City of Breezy Point Police Department, maintains documentation of the date and time the ALPR data is collected and maintains the appropriate access to such data as outlined in Minnesota Statutes § 13.824, Subd 2(b). The

Agency maintains proper procedures and protocols for data retention and destruction. As outlined above, Breezy Point Police Department has all the elements in place to meet compliance with the Audit requirements for ALPR and will be in complete compliance by the end of August 2017, once the Breezy Point City Council approves the updated Data Practices Policies and Procedures, including a procedure for complying with data breach notification requirements.

SIGNED AND KNOWLEDGED BY:

7/30/17
Date

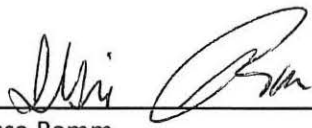
x 
Ilissa Ramm
Associate General Counsel
National Joint Powers Alliance

EXHIBIT A

ALPR Audit

Question	Response	Materials Provided to Auditor/Comment	Auditor Initials
Does the Agency keep a Log of Use?	Yes	LPR Public Log provided coverage August 2015 through July 2017 for each shift ALPR equipped squad was in use. Log met requirements of Minnesota Chapter 13.	INR
Did the agency document the date and time ALPR data was collected?	Yes	LPR Public Log captured, LPR data report from LETG captured all details.	INR
Did the agency limit and properly classify the data pursuant to Minn. Stat. § 13.824, subd. 2(b)?	Yes	LETG report and live demo of software and LETG.	INR
Is there a log of the factual basis for the access and any associated ICR?	Yes	LETG LPR Incidents report.	INR
Did the agency document how the data was used?	Yes	LPR LETG Incidents report.	INR
Does the agency have data retention policies in place?	Yes	City of Breezy Point Police and Procedures Manual.	INR
Has the agency properly destroyed data pursuant to Minn. Stat. § 13.824, subd. 3(a)?	Yes	Demonstration of ALPR software settings where data destruction properties are set up. Software does destruction.	INR
Subd. 7 – written procedures 1. Has the agency established procedures assuring data accuracy, protection, and appropriate access? 2. Has the agency incorporated those procedures into a policy?	Yes	Breezy Point Police Department Policies and Procedures for Automated License Plate Reader.	INR

<p>Has the agency complied with data breach notification requirements?</p>	<p>No – Pending corrective action</p>	<p>Auditor was provided with an outdated Data Practices Agency Policy and Procedure. Auditor was also provided with an updated Data Practices Policy and Procedure that is in compliance that is pending City Council Approval at the August 2017 City Council Meeting.</p>	<p>INR</p>
<p>Has the agency established written procedures to ensure ALPR data are accessed only if authorized in writing by the agency head (or designee) for a legitimate, specified, and documented law enforcement purpose?</p>	<p>Yes</p>	<p>Breezy Point Police Department Policies and Procedures for Automated License Plate Reader.</p>	<p>INR</p>
<p>Has the agency provided for role-based access to ALPR data and record activity in an audit trail?</p>	<p>Yes</p>	<p>LPR Public Log, Assigned Officer only individual who has access to software to access the ALPR data and software.</p>	<p>INR</p>