



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

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Title: An ordinance amending Section 13.08.080 of the Metropolitan Code of Laws pertaining to the use of License Plate Scanner (LPR) technology to add a definition of “personally identifiable information.”

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Indexes:

Code sections:

Attachments: 1. Substitute BL2022-1114

Date	Ver.	Action By	Action	Result
4/20/2022	2	Mayor	approved	
4/19/2022	2	Metropolitan Council	passed on third reading	
4/5/2022	2	Metropolitan Council	passed on second reading	
4/5/2022	1	Metropolitan Council	substituted	
4/5/2022	1	Transportation and Infrastructure Committee	approved with a substitute	
4/5/2022	1	Public Health and Safety Committee	approved with a substitute	
3/1/2022	1	Metropolitan Council	deferred	
2/15/2022	1	Metropolitan Council	passed on first reading	
2/8/2022	1	Metropolitan Council	filed	

An ordinance amending Section 13.08.080 of the Metropolitan Code of Laws pertaining to the use of License Plate Scanner (LPR) technology to add a definition of “personally identifiable information.”

WHEREAS, the current LPR law does not includes a definition of “personally identifiable information”; and

WHEREAS, there are many different definitions for the term and Metro’s current LPR law would allow different departments to define the term differently; and

WHEREAS, there should be one standard definition for all Metro departments implementing LPRs.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. Subsection A of Section 13.08.080 is hereby amended by adding these new defined terms to the end of the subsection as follows:

- (4) "Personally identifiable information" or "PII" shall mean any representation of information that permits the identity of an individual to whom the information applies to be reasonably inferred by either direct or indirect means. Further, PII is defined as information: (i) that directly

identifies an individual (e.g., name, address, social security number or other identifying number or code, telephone number, email address, etc.) or (ii) by which any governmental department or agency intends to identify specific individuals in conjunction with other data elements, i.e., indirect identification. (These data elements may include a combination of gender, race, birth date, and other descriptors). Additionally, information permitting the physical or online contacting of a specific individual is the same as personally identifiable information. This definition includes information that is maintained in either paper, electronic or other media.

(5) "Allowed PII" shall mean the image of a license plate, the time and location stamp of an image of a license plate, and the make, model, and color of the vehicle associated with an image of a license plate.

Section 2. Subsection G(4)(d) of Section 13.08.080 is hereby amended by deleting the subsection and replacing it with the following:

(d) LPR data retained by the Metropolitan Government shall not include any personally identifiable information, except for Allowed PII.

Section 3. This ordinance shall take effect from and after its enactment, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance, as substituted, amends Section 13.08.080 of the Metropolitan Code of Laws by adding a definition for the term Personally Identifiable Information (also referred to as "PII") and "Allowed PII". The term PII is referenced twice in the recently enacted License Plate Scanner ordinance (BL2021-961). The definition of PII will apply to the broader code section on the deployment of surveillance or electronic data gathering devices.

The proposed ordinance defines "Personally Identifiable information" to mean: "any representation of information that permits the identity of an individual to whom the information applies to be reasonably inferred by either direct or indirect means. Further, PII is defined as information: (i) that directly identifies an individual (e.g., name, address, social security number or other identifying number or code, telephone number, email address, etc.) or (ii) by which any governmental department or agency intends to identify specific individuals in conjunction with other data elements, i.e., indirect identification. (These data elements may include a combination of gender, race, birth date, and other descriptors). Additionally, information permitting the physical or online contacting of a specific individual is the same as personally identifiable information. This definition includes information that is maintained in either paper, electronic or other media."

The proposed ordinance defines "Allowed PII" to mean "the image of a license plate, the time and location stamp of an image of a license plate, and the make, model, and color of the vehicle associated with an image of a license plate."

Further, this would amend Subsection G(4)(d) of Section 13.08.080 to clarify that LPR data retained by the Metropolitan Government can include Allowed PII.

BL2021-961, adopted on February 1, 2022, prohibits any LPR data retained by the Metropolitan Government from containing PII. Further, BL2021-961 requires MNPD to submit an annual report of the collected data to the Council which will contain voluntarily provided race data but prohibits all other PII from being included in

the annual report.