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Attachment A  
BATA Resolution No. 96  
Page 1 of 10

**FasTrak® Privacy Policy**  
**The effective date of this Privacy Policy is December 15, 2010**  
**Last Updated March 8, 2022**

**Overview**

The Bay Area Toll Authority (BATA) is committed to ensuring customer privacy and security. Specifically: (1) BATA will not provide personally identifiable information (“PII”) from FasTrak®, License Plate, or One-Time Payment Accounts (collectively referred to herein as “Accounts”), or obtained as a result of a customer’s use of post-paid license plate toll invoices to pay his or her tolls (“Invoices”) to any third party without express customer consent, except as described in this Privacy Policy; (2) such PII will never be provided to advertisers for their use; (3) BATA will not sell PII; and (4) BATA will maintain a secure environment for customer PII.

This Privacy Policy is intended to provide an understanding of how BATA handles PII collected by the FasTrak®, License Plate, or One-Time Payment Account programs or as a result of a customer’s use of Invoices. Among other things, this policy explains the types of information collected from customers; the categories of third parties with whom BATA may share this information; and the process by which customers are notified about material changes to this Policy.

BATA’s contractor, Conduent State & Local Solutions, Inc. (“Conduent”) operates the FasTrak® Customer Service Center (“CSC”) on behalf of BATA. BATA oversees Conduent. FasTrak®’s terms and conditions <https://www.bayareafastrak.org/en/common/docs/ApplicationandLicenseAgreement.pdf>, License Plate Account terms and conditions [https://www.bayareafastrak.org/en/common/docs/LP\\_LicenseAgreement.pdf](https://www.bayareafastrak.org/en/common/docs/LP_LicenseAgreement.pdf), and One-Time Payment Account terms and conditions <https://www.bayareafastrak.org/en/common/docs/One-TimePaymentAgreement.pdf> notify customers that by enrolling in the FasTrak® Account, License Plate Account, or One-Time Payment Account programs and using the system, the customer is allowing BATA, its

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\* Revisions to body of resolution only.

contractor, Conduent, and other third parties referenced herein, to process PII according to the provisions set forth in those documents and 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, business name, alternate contact information, e-mail address, fax number, toll tag number(s), Account number(s), license plate number(s) and state(s) of registration, vehicle make(s), model(s), year(s), telephone number(s), credit-card number(s), security code(s) and expiration date(s), Travel Pattern Data, social security number, and Clean Air Vehicle (CAV) Decal Number.

**Travel Pattern Data:** A FasTrak® customer's toll tag number and license plate number or for a License Plate Account, One-Time Payment Account, or Invoice customer, their license plate number is collected, in addition to the number of vehicle axles, as he or she drives through a toll booth to record the transaction and calculate the toll. The toll tag number and/or license plate number, as appropriate, in conjunction with the toll booth location and date and time constitute a customer's Travel Pattern Data. For travel on Bay Area Express Lanes, Travel Pattern Data consists of a customer's toll tag number and license plate number, as applicable, along with date, time and location, which are collected at the entry and exit points of an Express Lane. For those FasTrak® customers who participate in the San Francisco International Airport (SFO) Parking Program, the dates and times when the customer enters and exits the SFO Parking Garage through a FasTrak® equipped entry and exit lane as well as the specific parking garage utilized also constitute Travel Pattern Data. A customer's travel locations (i.e. toll booth, Express Lanes entry and exit points, or SFO Parking Garage) dates, and times traveled do not constitute Travel Pattern Data if such information (1) is dissociated from any specific individual to create Anonymous Data; or (2) is combined with other data to create Aggregate 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. BATA may use Aggregate Data for any agency purpose and make it available to third parties. For example, BATA may provide Aggregate Data to others for generating statistical reports for the purpose of managing program operations for Accounts and Invoices.

**Anonymous Data or Anonymous Information:** Anonymous Data or Anonymous Information is disaggregated data from which all PII has been removed, that does not identify or describe a person and that cannot be directly linked to a specific individual. BATA may use Anonymous Data for any agency purpose and make it available to third parties.

**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. Upon crossing the toll plaza, driving in an Express Lane as a Solo Driver or exiting the SFO Parking Garage, the toll is deducted from the pre-paid balance.

**License Plate Account:** A License Plate Account is an account for which tolls are paid 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. Upon crossing the toll plaza, or driving in a Bay Area Express Lane as a Solo Driver, 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. Upon crossing the toll plaza or driving in a Bay Area Express Lane as a Solo Driver, the toll is deducted from the pre-paid balance.

**Account or Accounts:** Refers to FasTrak®, License Plate, and One-Time Payment Accounts together.

**Post-paid License Plate Toll Invoices (“Invoices”):** For those patrons who do not pre-establish a FasTrak® Account, License Plate Account, or a One-Time Payment Account, a toll invoice will be sent to the vehicle’s registered owner. Invoices, as a mechanism for paying tolls, are used on toll bridges only.

**Bay Area Express Lanes:** The Bay Area Express Lanes are comprised of I-680 southbound from Pleasanton to Milpitas, I-580 between Dublin and Livermore, both operated by the Alameda County Transportation Commission (“ACTC”), US-101 between SR-237 and Palo Alto, SR-85 between Mountain View and the Central Expressway, and SR-237 between Milpitas and San Jose, operated by the Santa Clara Valley Transportation Authority (“VTA”), US-101 between Redwood City and Palo Alto, operated by the San Mateo County Express Lanes Joint Powers Authority (“SMCELJPA”) and I-680 between Walnut Creek and San Ramon and I-880 between Oakland and Milpitas, operated by the Bay Area Infrastructure Financing Authority (“BAIFA”). Each Bay Area Express Lane is individually referred to as an “Express Lane.”

**Solo Driver:** A FasTrak® Customer who uses one of the Bay Area Express Lanes and does not indicate through proper transponder use that he or she meets the occupancy requirements to qualify for free tolls. Solo Driver also refers to a License Plate or One Time Payment Account Customer who uses Express Lanes.

### **Collection of Personally Identifiable Information**

BATA’s CSC Contractor collects PII, including some or all of the following during the Account registration process: name, business name, mailing address(es), e-mail address, telephone number(s), fax number, signature (electronic or hard copy), license plate number(s) and state(s) of registration, vehicle make(s), model(s), year(s), credit card number(s), expiration date(s), and security code(s). If a customer applies for a FasTrak® Clean Air Vehicle (CAV) toll tag, BATA’s CSC Contractor also collects a CAV Decal Certificate which contains the Decal Number. After registration and a FasTrak® toll tag has been assigned to a customer or a License Plate or One-time Payment Account has been associated with a license plate number, Travel

Pattern Data is collected as a customer drives through a toll booth or the entrance and exit gantry to an Express Lane to record the transaction. If a customer uses Invoices for payment, that customer's Travel Pattern Data is collected as he or she drives through a toll booth to record the transaction. BATA's CSC Contractor obtains the identity of the vehicle's registered owner and address for purposes of mailing an invoice to collect the toll. For those customers who participate in the SFO Parking Program, BATA's CSC Contractor collects Travel Pattern Data when the customer enters and exits the SFO Parking Garage through a FasTrak® equipped entry and exit lane.

BATA or its contractors may obtain information about a customer from other sources, such as the California Department of Motor Vehicles ("DMV") and other state departments of motor vehicles, collection agencies and the Franchise Tax Board (FTB) related to the collection of unpaid amounts due or to send an invoice to a customer paying tolls through Invoices. In situations involving unresolved toll violations, BATA's collections contractor may enforce collection through the Franchise Tax Board (FTB), which requires the contractor to obtain and disclose customers' social security numbers to the FTB. FTB sends BATA confirmations of payments received, which contain social security numbers. BATA redacts and does not disclose social security numbers obtained from the FTB to third parties. In addition, where a credit card number is associated with a customer's FasTrak® Account, BATA's CSC Contractor will attempt to update the expiration date before the credit card expires by obtaining such information from BATA's credit card processing contractor. For travel on the Golden Gate Bridge, BATA's CSC Contractor obtains a customer's Travel Pattern Data from the Golden Gate Bridge Highway and Transportation District ("GGBHTD"). For travel on the Bay Area Express Lanes, BATA's CSC contractor obtains a customer's Travel Pattern Data from the respective agencies that operate them. Further, if you participate in the SFO Parking Program, BATA's CSC Contractor obtains the dates and times when the customer enters and exits the SFO Parking Garage through a FasTrak® equipped entry and exit lane as well as the specific parking garage utilized from SFO.

### **How BATA Uses Personally Identifiable Information**

BATA or its contractors use the PII provided in order to process enrollments, manage accounts, collect payments, respond to questions, send customer e-mails about Account and Invoices program updates, provide information regarding significant changes to this Privacy Policy, and otherwise communicate with customers.

PII is only utilized as described in this Privacy Policy.

### **Third Parties with Whom BATA May Share Personally Identifiable Information**

BATA's CSC contractor may share PII with GGBHTD, ACTC, VTA, SMCELJPA, and BAIFA for the purpose of managing FasTrak® and other electronic toll collection operations (i.e. License Plate Accounts, One-Time Payment Accounts and Invoices). BATA's CSC Contractor may also share PII with other toll agencies within the State of California for the purpose of managing FasTrak® operations. Further, BATA or its contractors may share PII with other government agencies, such as Departments of Motor Vehicles and FTB to facilitate payment of toll transactions and to law enforcement agencies, as required by law. If you participate in the

SFO Parking Program to pay parking fees, BATA's CSC Contractor will share your FasTrak® toll tag number with SFO for the purpose of operating the SFO Parking Program. In addition, BATA's CSC Contractor may share PII with SFO as necessary to resolve customer disputes.

In addition, BATA hires third-party service providers for the purpose of operating the FasTrak® and other electronic toll collection programs referenced above, such as managing Accounts, collecting revenues due, storing information, and providing remote walk-in locations at which FasTrak®, License Plate Account, One-time Payment Account, and Invoice customers can pay tolls in cash. The CSC Contractor, Conduent, which may need to share PII with subcontractors to enable credit card processing, mailing, and other toll collection services, is one such service provider. BATA also contracts with a third-party collection agency, which may utilize skip tracing services, to collect unpaid amounts due. Further, BATA may contract with firms to engage in technology demonstrations of products and services intended to improve the efficiency of electronic toll collection systems. These contractors are provided only with the PII they need to deliver the services. BATA requires the contractors to maintain the confidentiality of the information and to use it only as necessary to carry out their duties under the FasTrak® and other electronic toll collection programs mentioned in this Privacy Policy.

Besides these entities, PII will not be disclosed to any other third party without express customer consent, except as required to comply with laws or legal processes served on BATA.

### **Retention of Personally Identifiable Information**

BATA, through itself and through its contractors, shall, within practical business and cost constraints, only store the PII of a customer that is necessary to perform account functions such as billing, account settlement, or enforcement activities. All other information shall be discarded no more than four years and six months after the closure date of the billing cycle and the bill has been paid, including resolution of all toll violations, if applicable, except as required to comply with laws or legal processes. BATA, through itself and through its contractors, will discard all account information, including PII, no later than four years and six months after the date an account is closed or terminated, except as required to comply with laws or legal processes.

### **Security of Personally Identifiable Information**

BATA is committed to the security of customer PII. BATA, together with its contractors, store the PII provided by customers on computing systems and services that are located in secure, controlled facilities. Computing systems and services 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, including cloud service providers, with whom BATA shares or stores 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:

- FasTrak® network perimeters are protected with firewalls.
- FasTrak® databases are implemented to ensure PII is segregated from Aggregate Information.
- Storage of PII is encrypted.
- Electronic connections to and from the FasTrak® website is encrypted.
- Internal and external audits of perimeter and software code security are conducted.
- Employees' use of customer databases is monitored, and records of access to PII are maintained. For customer databases stored in cloud based services and systems, employee's use is logged and maintained.
- Electronic communications containing PII are transmitted via encrypted channels.

Physical:

- Physical access to internal BATA servers is restricted to authorized technical personnel.
- Data center access to approved technical personnel is restricted via secure authentication, and other security protocols.

In addition to BATA's policies and procedures implementing PII security, the customer must also do such things as safeguard passwords, PINs, and other authentication information that may be used to access Accounts. Customers should not disclose authentication information to any third party and should notify BATA of any unauthorized use of their passwords. BATA cannot secure PII that is released by customers or PII that customers request BATA to release. In addition, there is a risk that unauthorized third parties may engage in illegal activity by such things as hacking into BATA's security system or the CSC Contractor, Conduent's, security system or by intercepting transmissions of personal information over the Internet. BATA is not responsible for any data obtained in an unauthorized manner.

Please note that the CSC Contractor, Conduent, will never ask customers to provide or confirm any information in connection with Accounts, such as credit card number, toll tag number, or other PII by email, unless the customer is logged into the secure FasTrak® customer website. If

a customer ever has any doubt about the authenticity of an email regarding Accounts, the customer should open a new web browser, type in [www.bayareafastrak.org](http://www.bayareafastrak.org), click on “my Account,” log into his or her account, and then perform the requested activity.

### **Account Access and Controls**

Creating a FasTrak® Account, License Plate Account, or One-time Payment Account is at the customer’s discretion. The account information consists of PII such as name, business name mailing address(es), email address, telephone number(s), fax number, signature, license plate number(s) and state(s) of registration, vehicle make(s), model(s), year(s), credit card number(s), expiration date(s) and security code(s), and CAV Decal Number. Account creation forms indicate where information is optional.

Customers can review and update PII at any time as discussed below under “Updating Personally Identifiable Information.”

Customers can close their account at any time by submitting a completed account closure form found at <https://www.bayareafastrak.org/en/support/forms.shtml>. All account information will be deleted no later than 4 years and 6 months after the account is closed or terminated, except as required to comply with laws or legal processes.

### **Aggregate Data**

BATA 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. Aggregate Data is used by BATA for such things as improving the FasTrak® and other electronic toll collection programs referenced in this Privacy Policy and for the marketing of those programs. Aggregate Data does not contain any information that could be used to contact or identify individual customers or their Accounts. For example, BATA may inform third parties regarding the number of FasTrak® accounts within a particular zip code. BATA requires third parties with whom Aggregate Information is shared to agree that they will not attempt to make information personally identifiable, such as by combining it with other databases.

### **Anonymous Data**

BATA may also remove all PII from data to create Anonymous Data that may be disclosed to third parties. BATA may use Anonymous Data for any agency purpose and may make Anonymous Data available to third parties. Anonymous Data does not contain any information that could be used to track, contact or identify individual customers or their Accounts. BATA requires third parties with whom Anonymous Data is shared to agree that they will not attempt to make information personally identifiable, such as by combining it with other databases.

### **Cookies**

The FasTrak® website ([www.bayareafastrak.org](http://www.bayareafastrak.org)) stores “cookies” on the computer systems of

users of the website. Cookies are small data elements that a website can store on a user's system. The cookies used by the FasTrak® website facilitate a customer's use of the website (e.g. by remembering login names and passwords until a session has ended). The FasTrak® website does not require that users of the website accept these cookies. Customers may change their browser security settings to accept or reject cookies. Also, the FasTrak® website does not store "third party" cookies on the computer systems of users of the website.

Once you leave the FasTrak® website, the privacy policy of other websites you visit or link to from the FasTrak® website should also be reviewed to understand how these external sites utilize cookies and how the information that is collected through the use of cookies on these websites is utilized.

BATA does not knowingly engage in business with any company or vendor that uses Spyware or Malware. BATA does not market detailed information collected from web sessions that can be directly tied to personal information. Further, BATA does not provide customers with downloadable software that collects or utilizes any PII.

### **Externally-Linked Websites**

The FasTrak® website contains links to third-party websites operated by entities that are affiliated with FasTrak®. These web links may be referenced within content, or placed beside the names or logos of the other entities. In addition, third-party websites may exist that reference the FasTrak® website. BATA does not disclose PII to these third-party websites.

**WARNING: Once you enter external websites (whether through a service or content link or directly through a third-party website), BATA is not responsible for the privacy practices of those other websites.** Please review all privacy policies of external websites you visit, before using or providing any information to such other websites.

### **Updating Personally Identifiable Information**

Customers can review and update PII at any time online at [www.bayareafastrak.org](http://www.bayareafastrak.org). Customers are able to modify any required account information (other than name), as well as modify, add, or delete any optional account information by signing into their account on the website at [www.bayareafastrak.org](http://www.bayareafastrak.org). The FasTrak® website uses functions that have the ability to collect and store self-reported data. These functions enable customers to revise, update or review information that has been previously submitted by going back to the applicable function, logging-in and making the desired changes. In addition to the website, FasTrak® Account and License Plate Account customers can request updates to their PII by submitting an account update form or by telephoning the CSC at (877) BAY-TOLL or 1-877-229-8655.

Complaints or problems regarding updating personal information should be submitted via the Contact Us link on the website at <https://www.bayareafastrak.org/en/about/contact.shtml>. The FasTrak® CSC will either resolve the issue or forward the complaint to an appropriate BATA staff member for a response or resolution. BATA strives to answer all queries within 5 business



days, but it may not always be feasible to do so. Customers can also telephone the CSC at (877) BAY-TOLL or 1-877-229-8655.

If an adequate resolution is not received, please contact BATA's Privacy Officer at:

Bay Area Toll Authority  
Attn: Privacy Officer  
375 Beale Street, Suite 800

San Francisco, CA 94105  
Or e-mail: [privacyofficer@bayareametro.gov](mailto:privacyofficer@bayareametro.gov)  
Or call: 415-778-6700

### **Changes to this Privacy Policy**

**Material Changes** – BATA 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 BATA makes material changes to this Privacy Policy, BATA will notify customers by means of posting a conspicuous notice on the FasTrak® website that material changes have been made.

**Immaterial Changes** – BATA 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, BATA may not post a special notice on the FasTrak® website.

If BATA decides to make any change to this Privacy Policy, material or immaterial, BATA will post the revised policy on the FasTrak® website, along with the date of any amendment.

BATA reserves the right to modify this Privacy Policy at any time, so the policy needs to be reviewed frequently by customers.

When BATA revises the Privacy Policy, the "last updated" date at the top of the Privacy Policy will reflect the date of the last change. We encourage customers to review this Privacy Policy periodically to stay informed about how BATA protects the security of PII collected in connection with Accounts and Invoices. Continued use of the Accounts or use of Invoices to pay tolls constitutes the customer's agreement to this Privacy Policy and any updates.

### **Emails Sent to BATA**

This Privacy Policy does not apply to the content of emails transmitted directly to BATA. Please do not send PII in an email directly to BATA, if you want to keep content or data private.

### **Contact information**

BATA welcomes your comments on this Privacy Policy. Also, if there are questions about this statement, please contact the BATA Privacy Officer at the address, e-mail or phone number listed above.

**History of Changes to Privacy Policy**

March 3, 2004	Privacy Policy Established
July 28, 2004	Revisions to Privacy Policy
May 25, 2005	Revisions to Privacy Policy
September 24, 2008	Revisions to Privacy Policy
December 15, 2010	Revisions to Privacy Policy
January 6, 2011	Revisions to Privacy Policy
January 23, 2013	Revisions to address License Plate Accounts, One-Time Payment Accounts and use of Post-paid License Plate Toll Invoices, update name of CSC Contractor, and make other clarifications
May 21, 2014	Revisions to address obtaining updates to credit card expiration dates from BATA's credit card processing contractor for FasTrak® Accounts, to delete Other Uses of FasTrak® Account Toll Tag Data for 511 Driving Times Service as this use no longer exists, and to make other clarifications
September 29, 2014	Revisions to address SFO Parking Program
May 23, 2016	Revisions to address Bay Area Express Lanes and make other clarifications
March 2, 2017	Revisions to update Bay Area Express Lanes and to make other clarifications
May 19, 2017	Revisions to address sharing PII for technology demonstration projects
January 10, 2018	Revisions to address CSC Contractor name change and Anonymous Data, and to make other clarifications
October 25, 2019	Revisions to address storage of PII in cloud based systems and services
December 29, 2020	Revisions to address payment by invoices on the state-owned Bay Area bridges, CAV toll tag registration, and to clarify existing practices, including sources from which PII may be obtained and categories of third parties with whom PII may be shared
March 8, 2022	Revisions to update "Bay Area Express Lanes," add SMCELJPA to the list of agencies with which the CSC Contractor can share PII, and clarify that the CSC Contractor may subcontract to enable services in addition to credit card processing and mailing services.