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What to know about your privacy and the new tolling system in Massachusetts

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Massachusetts is making the shift to an all-electronic tolling system that will end the need for drivers to stop, or even slow down, to pay tolls.

By Matt Rocheleau

GLOBE STAFF AUGUST 22, 2016

Massachusetts is making the shift to an all-electronic tolling system that will end the need for drivers to stop, or even slow down, to pay tolls.

State officials have said the new system will reduce congestion, pollution, accidents at toll plazas, and, hopefully, drivers' commute times.

But concerns have also been raised about the volume of data the technology collects as drivers pass through toll zones, and about how that data is being stored and used.

Here are some key things to know about the new tolling system and the privacy debate:

Where is the new tolling system being installed and when will it start?

Massachusetts' move to open-road tolling statewide began two years ago when the switch was made on the Tobin Bridge.



New Mass. gantries can send authorities alerts

The state's new all-electronic tolling system will include a "hot list" feature capable of sending law enforcement instant alerts.

What those gantries on the Pike are



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All-electronic tolling will soon go live across the entire Massachusetts Turnpike. That's slated to happen in October.

Eventually, the old tollbooths will be torn down.

How does the new system work?

Vehicles with E-ZPass transponders will be charged automatically when they pass under sensors installed on the gantries.

Vehicles without transponders will have their license plates photographed by cameras mounted on the gantries, and bills will be mailed to car owners.

What data does is collected on drivers?

According to a state transportation department spokeswoman, the new all-electronic tolling system captures the following information each time a vehicle passes through a toll zone:

- Date and time
- Location
- Lane
- Vehicle speed
- E-ZPass transponder number
- Photos of the front and rear of the vehicle to capture the license plate number and plate date

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Data has been captured on the Turnpike since testing began there in June, even though the gantries are not used for toll collection yet.

Data has been collected from vehicles driving on the Tobin since that system was installed in 2014, officials said.

Where is the data stored and for how long?

MassDOT said it is storing all toll data indefinitely, at least for now. But the department's recordkeeping practices may change.

The department said it plans to soon seek guidance about what tolling data it should be storing and for how long from the state Records Conservation Board, which sets standards for the management and preservation of government records in Massachusetts.

The department said data will only be retained only as necessary.

Why is the data being collected and what is it used for?

The data is collected and used primarily for billing purposes, officials have said.

But there are at least two other reasons.

Officials have said that transaction data, without identifying information, is being stored for research purposes "in the interest of identifying traffic patterns."

The new tolling system also includes a "hot list" feature that can send law enforcement instant alerts when cars with specified license plates or transponders pass under toll gantries. Officials say the feature will only be used to track vehicles in the case of urgent public safety emergencies, such as AMBER Alerts, the notices issued when children are abducted and believed to be in danger.

Officials have said vehicle speed data that are collected are used to synchronize the cameras that record each license plate. Officials have pledged that [speed data will not be used to ticket drivers.](#)

Does MassDOT share data with anyone else?

The department has reciprocal agreements to share a limited amount of tolling data with other states

so that the department can bill out-of-state vehicle owners who drive on Massachusetts toll roads.

Otherwise, the department said it shares tolling data when legally required to do so, including with federal officials, law enforcement agencies, and lawyers representing individuals in divorce and other civil cases who obtain court orders.

The department said, that in accordance with state law, it notifies people whose information is sought through subpoenas allowing them to take legal action to fight the subpoenas.

However, exceptions could be made for serious and time-sensitive cases in which law enforcement request to able to use the hot list feature, officials said.

Officials also said the data are exempt from disclosure through public records requests.

Why are privacy advocates concerned?

Privacy advocates worry that the state could change its mind someday about what the data can be used for, including using the speed data for issuing tickets.

They are also concerned by the sweeping nature of the data collection and how stored information could wind up being used against drivers if it is turned over for use in criminal or civil court cases, stolen by hackers, or misused by state employees with access to the data.

What do police think?

Spokesman David Procopio said in an e-mail that the State Police “embrace the technology with all appropriate discretion,” and his agency would be “judicious and mindful of due process in our use of the technology.”

“But it is also important to note that the technology could save someone’s life someday,” he said, citing how tolling data could potentially be used to help find someone who is believed to be “in imminent danger” or to help solve investigations of serious crimes.

Is there anything drivers can do to protect their privacy?

MassDOT offers special transponders that can be loaded by paying cash so the devices will not be associated with a drivers’ name, address, bank account, or credit card.

Officials said the option was meant for those without bank accounts or credit cards or those

concerned about sharing sensitive financial information.

But drivers won't be able to pass through toll zones in complete anonymity because the system will still take a picture of each vehicle's license plate, regardless of whether it has a transponder.

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