



ACLU

FOUNDATION

AMERICAN CIVIL LIBERTIES UNION
of NEW JERSEY

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Via United States Postal Service and email stateparkpolice@dep.nj.gov

August 20, 2014

Acting Director Terri Genardi
Mail Code 501-04
New Jersey State Park Police
P.O. Box 420
Trenton, New Jersey 08625

Re: New Jersey State Park Police (“NJSPP”) Privacy Laws Violation

Dear Acting Director Genardi:

The American Civil Liberties Union of New Jersey (“ACLU-NJ”) has been alerted to the placement of social security numbers (“SSNs”) on parking tickets distributed at Liberty State Park. We now have evidence that appears to confirm that in fact occurred. We write to urge the New Jersey State Park Police (“NJSPP”) to promptly change your ticket forms and to purge from your files all SSNs that were obtained in connection with the issuance of tickets. Additionally, we ask for an investigation into why and how SSNs were obtained as part of the ticketing process. NJSPP, by obtaining SSNs, as well as by exposing such personal and detailed information by placing it on tickets that are left in public view on people’s windshields, has violated individuals’ privacy rights.

Under both the United States Constitution and the New Jersey Constitution, the right to privacy protects individuals from the government unjustifiably obtaining, maintaining, or disclosing their personal information.¹ It is well established that SSNs are due an extremely high degree of protection. Indeed, the New Jersey Supreme Court has already found them to be the type of protected information in which one has a reasonable expectation of privacy.² As such, the NJSPP should neither be obtaining nor maintaining this information without sufficient overriding justification for so doing. No such justification exists here. While an officer might need to obtain a driver’s license number as part of the ticketing process, there is no justification to obtain individuals’ SSNs. Further, the Identity Theft Prevention Act prohibits public posting or displaying of SSNs or intentionally communicating or otherwise making SSNs available to the public.³ The public display of SSNs on parking tickets is in clear violation of this Act, as parking tickets are often displayed on car windshields and viewable by any individual who passes by. Because SSNs are unique identifiers that are closely tied to a person’s financial affairs, the placement of them in plain view also raises the real prospect of increased identity theft.

¹ See, e.g., *Sterling v. Borough of Minersville*, 232 F.3d 190, 194 (3d Cir. 2000) (“the constitutional right to privacy respects not only an individual's autonomy in intimate matters, but also an individual's interest in avoiding divulgence of highly personal information”); *Doe v. Poritz*, 142 N.J. 1, 89 (1995) (“With its declaration of the right to life, liberty and the pursuit of happiness, Article I, § 1 of the New Jersey Constitution encompasses the right of privacy.”).

² *Burnett v. County of Bergen*, 198 N.J. 408, 414 (2008).

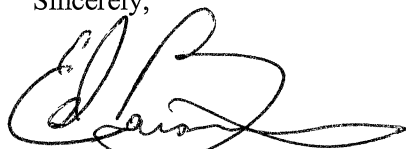
³ N.J. STAT. ANN. §56:8-164 (a) (1) (2006).

The New Jersey Department of Environmental Protection (“NJDEP”) has stated that SSNs are not put on parking tickets, and that the placement of SSNs on tickets would be a mistake. However, the ACLU-NJ has obtained numerous tickets issued by NJSPS that indicate otherwise. The ticketing form⁴ issued by NJSPS clearly provides a portion of the ticket dedicated to a nine-digit number. Indeed, on certain tickets that have been issued, the phrase “SOC SECURITY NUMBER” appears lightly over that nine-digit field.⁵ Thus, the form used solicits an officer to obtain and write down SSNs. This nine-digit number was in fact filled out on some of the tickets that were issued at Liberty State Park.⁶ Thus, although NJDEP might believe that it is not common practice to place SSNs on parking tickets, it has been occurring, and there are currently no safeguards to ensure that such violations of privacy are prohibited.

We urge you to change your ticket forms, purge all SSNs from your files, retrain all officers, and investigate how and why SSNs were obtained. Such steps are necessary to ensure that the privacy rights of all individuals are protected.

We request a response by August 29, 2014. Please feel free to contact me with any concerns at ebarocas@aclu-nj.org or 973-854-1717.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Barocas', with a long, sweeping underline.

Ed Barocas
Legal Director

Cc: Commissioner Bob Martin of the New Jersey Department of Environmental Protection

⁴ Appendix A.

⁵ Appendix B

⁶ Appendix C. When NJSPS provided these tickets in response to the ACLU-NJ’s Open Public Records Act request, the filled-out sections where the officer would place the SSN were redacted.

COURT I.D. PREFIX TICKET NUMBER Dept. of Environmental Protection
 NJ State Park Police
 I. Municipal Court of _____
 II Superior Court of _____
 County, NJ

The State of New Jersey
 (Please Print) VS
 Defendant's Names: First Initial Last
 Address _____ City _____
 State Zip Code Telephone _____
 Birth Date: Mo. Day Yr. Sex Eyes Height Restrictions
 Driver's Lic. # _____ Exp. Date _____ State _____

STATE OF NEW JERSEY }
 COUNTY OF _____ } SS

Complaining Witness: _____

ID No. ▶ [] [] [] [] NJSP Station Code [] [] []

Stationed at _____

by certification of an oath, says that to the best of his/her knowledge or information and belief, the named defendant on or about the _____

in _____ County of _____ N.J.

did commit the following offenses: _____

in violation of (one charge only) _____
(Statute, Regulation or Ordinance Number)

LOCATION OF OFFENSE [] [] [] [] [] [] Describe location _____

OATH: Subscribed and sworn to before me this _____ day of _____, yr. _____

CERTIFICATION: I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

(Signature of Complaining Witness) OR (Date)

(Signature of Person Administering Oath) (Signature of Complaining Witness)

PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS:
 The complaining witness is a law enforcement officer or a code enforcement officer with territorial and subject matter jurisdiction and a judicial probable cause determination is not required prior to the issuance of this Complaint Summons.

YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THIS COURT TO ANSWER THIS COMPLAINT. IF YOU FAIL TO APPEAR ON THE DATE AND AT THE TIME STATED, A WARRANT MAY BE ISSUED FOR YOUR ARREST.

NOTICE TO APPEAR
 COURT APPEARANCE REQUIRED
 COURT DATE: MONTH DAY YEAR TIME : AM PM

(Date Summons Issued) (Signature of Person Issuing Summons)

SUMMONS

SUMMONS

A