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Attachment A  
BAIFA Resolution No. 13  
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**BAIFA Privacy Policy**  
**The effective date of this Privacy Policy is July 27, 2016**  
**Last Updated March 8, 2023**

## **Overview**

The Bay Area Infrastructure Financing Authority (BAIFA) is committed to ensuring customer privacy and security. Specifically: (1) BAIFA will not provide personally identifiable information (“PII”) to any third party except as described in this Privacy Policy; (2) such PII will not be provided to advertisers for their use; (3) BAIFA will not sell PII; and (4) BAIFA will maintain a secure environment for customer PII.

This Privacy Policy is intended to provide an understanding of how BAIFA handles PII collected in connection with the Express Lanes. Among other things, this policy explains the types of information collected from customers, the categories of third parties with whom BAIFA may share this information, and the process by which customers are notified about material changes to this policy.

BAIFA is a Joint Powers Authority established pursuant to a joint exercise of powers agreement between the Metropolitan Transportation Commission (MTC) and the Bay Area Toll Authority (BATA). BAIFA operates and maintains the Express Lanes on I-680 between Martinez and San Ramon and on I-880 between Oakland and Milpitas. Future BAIFA Express Lanes include I-80 from Fairfield to Vacaville (scheduled for opening in 2025). In addition, BAIFA operates and maintains the Express Lanes toll system for the US-101 Express Lanes between South San Francisco and the San Mateo County/Santa Clara County line for the San Mateo County Express Lanes Joint Powers Authority (“SMCELJPA”). PII collected in connection with the Express Lanes will also be subject to BATA’s FasTrak® Privacy Policy found at <https://www.bayareafastrak.org/en/support/privacy.shtml>. The FasTrak® Regional Customer Service Center (CSC) will be responsible for customer account management, transaction processing, and violations processing for the Express Lanes. PII will be sent to the CSC from the Express Lanes Host for processing. The Host is operated and maintained by a contractor under contract to BAIFA. By using the Express Lanes, the customer is allowing BAIFA, its contractors, and other third parties referenced herein, to process PII according to 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, email address, telephone number, toll tag number, account number, license plate number and state of registration, and Travel Pattern 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. BAIFA may use Aggregate Data for any agency purpose and make it available to third parties.

**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. BAIFA may use Anonymous Data for any agency purpose and make it available to third parties.

**FasTrak<sup>®</sup> Account:** A FasTrak<sup>®</sup> 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. When driving in an Express Lane as a Solo Driver or driver entitled to an occupancy or Clean Air Vehicle discount, the toll less any applicable discount(s) is deducted from the pre-paid balance.

**License Plate Account:** A License Plate Account is an account for which tolls are 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. When driving in an Express Lane, License Plate Account customers are considered Solo Drivers and 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 and requires a minimum payment of one toll trip.

**Travel Pattern Data:** Travel Pattern Data consists of an Express Lanes customer's toll tag number and license plate number, along with the date, time and location, which are collected at toll tag read points.

**Express Lanes:** Express Lanes operated and maintained by BAIFA.

**Express Lanes Host:** Computer processing system that collects data, including PII, to build trips and apply tolls to those trips.

**Solo Driver:** A FasTrak<sup>®</sup> customer who uses one of the Express Lanes and does not indicate through proper transponder use that he or she meets the occupancy requirements to qualify for free tolls as a carpool. Solo Driver also refers to a License Plate or One Time Payment Account customer who uses an Express Lane.

**Express Lanes START<sup>(SM)</sup>:** Express Lanes START<sup>(SM)</sup> is a pilot program that provides low-income drivers toll discounts in the I-880 Express Lanes. *See* ExpressLanesSTART.org.

## **Collection of Personally Identifiable Information**

During operational (tolling) hours, the Express Lanes system collects Travel Pattern Data, image of license plate and photograph of vehicle as a customer drives on the Express Lanes to record the transaction.

During non-operational hours, BAIFA may carry out system maintenance, which includes testing and tuning of equipment, in the Express Lanes. While testing and tuning, as a person drives on an Express Lane, Travel Pattern Data, image of license plate and photograph of vehicle will be collected for testing and tuning purposes. A FasTrak<sup>®</sup> customer can avoid having his or her toll tag number collected by placing the toll tag in the mylar bag in which the tag was first obtained by the customer or as provided by the FasTrak<sup>®</sup> CSC. The license plate image and photograph of the vehicle will still be collected at toll tag read points.

When system testing is not occurring during non-operational hours, the Express Lanes system will only capture toll tag numbers and dates, times, and locations collected at toll tag read points. A FasTrak<sup>®</sup> customer can avoid having his or her toll tag number and associated travel information collected by placing the toll tag in its mylar bag.

For those customers participating in Express Lanes START<sup>(SM)</sup> additional PII is collected to determine eligibility. Such PII includes name, email, home and/or mobile phone number, household income, number of people in household, and FasTrak<sup>®</sup> account number or toll tag number. Other PII is incorporated in the documentation requested to prove identity (such as photo of driver's license, state-issued ID, passport, or permanent resident card) and income (such as photo of CalFresh/Electronic Benefits Transfer (EBT) card, Medi-Cal card, county benefit eligibility letter, or tax documents) as well as in customer responses to optional application questions for demographic information (e.g. race, gender, and age). The Eligibility Verifier contractor, under contract with MTC, obtains this documentation from information submitted by customers through the Express Lanes START<sup>(SM)</sup> website and in paper form submitted by mail or facsimile transmission to perform the eligibility review.

BAIFA may also obtain PII about a customer from other sources, such as BATA through the FasTrak<sup>®</sup> CSC to respond to customer questions and concerns, process enrollments, and perform program evaluation for Express Lanes START<sup>(SM)</sup>. In addition, BAIFA, through its contractor, receives PII from SMCELJPA's lane-side equipment from which the Express Lanes Host builds trips for the US-101 Express Lanes.

## **How BAIFA Uses Personally Identifiable Information**

BAIFA uses PII in order to build and price Express Lanes trips, monitor and diagnose system performance, plan for express lane operations, provide customer service and respond to questions, perform data analysis to inform BAIFA initiatives, process enrollments for Express Lanes START<sup>(SM)</sup> customers, and to collect payments.

PII is only utilized as described in this Privacy Policy.

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

BAIFA will share PII with BATA and its FasTrak<sup>®</sup> CSC contractor for testing purposes and for processing transactions.

In addition, BAIFA hires third-party service providers to develop and operate the Express Lanes, performing such functions as monitoring traffic conditions, managing traffic, trip building and testing and program evaluation. These third parties are provided only with the PII they need to deliver the services. BAIFA requires the service providers to maintain the confidentiality of the information and to use it only as necessary to carry out their duties in connection with the Express Lanes. For Express Lanes START<sup>(SM)</sup>, MTC, on BAIFA's behalf, hires third-party services providers to store information and determine eligibility for the program. Further, BAIFA, MTC, BATA or their contractors may share PII with law enforcement agencies, as required by law.

Besides these entities, PII will not be disclosed to any other third party, except as required to comply with laws or legal processes served on BAIFA.

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

BAIFA, through its contractors, shall, within practical business and cost constraints, only store PII that is necessary to perform essential functions such as toll collection, enforcement activities, operation planning and improvements, and customer service. BAIFA, through its contractor, will discard all Travel Pattern Data no more than four years and six months after the date the PII is collected, except as required to comply with laws or legal processes. For Express Lanes START<sup>(SM)</sup> Program enrollees, proof of identity and proof of income documentation is discarded no later than 60 days after approval, denial, or issuance of final notice of incomplete applications. Paper copies of applications and supporting materials shall be discarded within 60 days after entry into the Express Lanes START<sup>(SM)</sup> Program database. All PII provided by Express Lanes START enrollees in their applications is purged within 60 days after they are no longer enrolled and within two years and 60 days from the enrollee's most recent program enrollment approval or within 60 days from when the pilot ends, whichever is earlier, except as required to comply with laws or legal processes.

## **Security of Personally Identifiable Information**

BAIFA is committed to the security of customer PII. BAIFA, together with the contractors mentioned in this Privacy Policy, stores the collected PII 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 BAIFA 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 or assignment to the Express Lanes project. In addition, regular periodic refresher training is required for those employees.

### **Technical:**

- Data network perimeters are protected with firewalls.
- User access is centrally managed to ensure each person is who they claim to be (authentication) and allows them to access only the data their role uses (authorization).
- Access to the Express Lane Host over the internet, as opposed to a direct wired connection, occurs over an encrypted connection to prevent unauthorized access.
- Databases are implemented to ensure PII is segregated from Aggregate Information.
- Storage of PII is encrypted or is protected by software, hardware and physical security measures to prevent unauthorized access.
- Internal and external audits of perimeter and software code security are conducted.
- Electronic communications containing PII are transmitted via an encrypted channel or encrypted format to prevent unauthorized access.

### **Physical:**

- Physical access to internal BAIFA servers within data centers is restricted to authorized technical personnel and other security protocols.

BAIFA cannot secure PII that is released by customers or PII that customers request BAIFA to release. In addition, there is a risk that unauthorized third parties may engage in illegal activity by such things as hacking into security systems or by intercepting transmissions of personal information over the Internet. BAIFA is not responsible for any data obtained in an unauthorized manner.

With the exception of processing an application for Express Lanes START<sup>(SM)</sup>, unless an Express Lanes customer initiates an inquiry, the contractors referenced in this Privacy Policy will never ask customers to provide or confirm any PII in connection with their use of the Express Lanes. If a customer ever has any doubt about the authenticity of an email, text, or phone message regarding Express Lanes START<sup>(SM)</sup>, the customer should open a new web browser, type in <https://www.expresslanestart.org/s/login>, log into the customer's Express Lanes START<sup>(SM)</sup> account, and then perform the requested activity. Express Lanes START<sup>(SM)</sup> uses a passwordless login process for account access and will email or send a text message with a verification code. As an alternative, the customer may call 415-778-6778 for assistance. Express Lanes START<sup>(SM)</sup> customers should safeguard authentication information that may be used to access their Express Lanes START<sup>(SM)</sup> accounts.

In connection with Express Lanes START<sup>(SM)</sup>, the Eligibility Verifier contractor may contact an individual using PII provided in the application if the application is denied or is incomplete. If incomplete, the contractor will attempt to assist the individual in completing the application.

### **Account Access and Controls**

Creating an account with Express Lanes START<sup>(SM)</sup> is required to apply for the pilot program and is separate from creating an account with FasTrak<sup>®</sup>. The required Express Lanes START<sup>(SM)</sup> account information consists of PII including name, email, home and/or mobile phone numbers, household income, number of people in household, and FasTrak<sup>®</sup> account number or toll tag number and information incorporated in proof of identity and income documentation. Demographic information (e.g. gender, ethnicity, and age) is also requested, but, in such instances, an applicant can choose not to answer. Express Lanes START<sup>(SM)</sup> enrollees can review and update personal account information while the account is active. PII can also be reviewed and edited online or by telephone as discussed below under "Reviewing and Requesting Changes to Customer's Personally Identifiable Information." Customers can close their Express Lanes START<sup>(SM)</sup> account at any time by contacting the Express Lanes START<sup>(SM)</sup> Customer Service Center.

### **Aggregate Data**

BAIFA 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. BAIFA may use Aggregate Data for any agency purpose and provide Aggregate Data to others. Aggregate Data does not contain any information that could be used to contact or identify individual customers. For example, BAIFA may inform third parties regarding the number of Express Lanes START<sup>(SM)</sup> accounts within a particular zip code. BAIFA requires third parties with whom Aggregate Data

is shared to agree that they will not attempt to make information personally identifiable, such as by combining it with other databases.

### **Anonymous Data**

BAIFA may also remove all PII from data to create Anonymous Data that may be disclosed to third parties. BAIFA may use Anonymous Data for any agency purpose and may make Anonymous Data available to third parties. BAIFA 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.

### **Website Usage Metrics**

The Express Lanes START<sup>(SM)</sup> website uses a third-party traffic measurement service called Google Analytics to gather and compute website usage metrics. Google Analytics collects customers' Internet Protocol (IP) addresses and the pages the users are visiting. MTC and its contractors use this information for making recommendations for website improvements and may include such information as Aggregate Data in operational reports and presentations. Google Analytics may set a cookie that will enable it to function properly. To find out more about Google Analytics' privacy principles, visit the Google Analytics Privacy and Security Page at <http://www.google.com>.

### **Cookies**

The Express Lanes START<sup>(SM)</sup> website stores "cookies" on the computer systems of users of the websites. Cookies are small data elements that a website can store on a user's system. The cookies used by the Express Lanes START<sup>(SM)</sup> website facilitates customer's use of the website (e.g. maintain login status until the session has ended). When using the Express Lanes START<sup>(SM)</sup> website, the customer is required to accept a cookie for the session during which the customer is logged in to his or her account. Customers may change their browser security settings to accept or reject cookies.

Once a customer leaves the Express Lanes START<sup>(SM)</sup> website, the privacy policy of other websites visited or linked-to from the Express Lanes START<sup>(SM)</sup> 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.

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

### **Third-Party Websites and Applications**

The Express Lanes START<sup>(SM)</sup> website may contain links to third-party websites. 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 Express Lanes START<sup>(SM)</sup> website. BAIFA does not disclose PII to these third-party websites.

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

### **Reviewing and Requesting Changes to Customer's Personally Identifiable Information**

Customers who wish to review and update their FasTrak<sup>®</sup> account information should refer to the procedures under the FasTrak<sup>®</sup> Privacy Policy found at <https://www.bayareafastrak.org/en/support/privacy.shtml>.

For Express Lanes START<sup>(SM)</sup> customers, PII can be reviewed and edited online at <https://www.ExpressLanesSTART.org/s/login>. The Express Lane START<sup>(SM)</sup> 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 this method, customers may update their PII by telephoning the Express Lanes START<sup>(SM)</sup> Customer Service Center at 415-778-6778.

Complaints or problems regarding updating personal information should be submitted via the Express Lanes START<sup>(SM)</sup> website, by email at [help@expresslanesstart.org](mailto:help@expresslanesstart.org) or by telephone at 415-778-6778. The Express Lanes START<sup>(SM)</sup> Customer Service Center will either resolve the issue or forward the complaint to an appropriate BAIFA staff member. BAIFA strives to answer all queries within 48 business hours, but it may not always be feasible to do so. If an adequate resolution is not received, please contact BAIFA's Privacy Officer at the address, email or phone number listed below under Contact Information.

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

**Material Changes** – BAIFA 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 BAIFA makes material changes to this Privacy Policy, BAIFA will notify customers by means of posting a conspicuous notice on the Express Lanes website at <http://mtc.ca.gov/express-lanes> and on the Express Lanes START<sup>(SM)</sup> website at [ExpressLanesSTART.org](http://ExpressLanesSTART.org) that material changes have been made.

**Immaterial Changes** –BAIFA 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, BAIFA may not post a special notice on the websites.

If BAIFA decides to make any change to this Privacy Policy, material or immaterial, BAIFA will



post the revised policy on the Express Lanes and Express Lanes START<sup>(SM)</sup> website, along with the date of any amendment.

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

When BAIFA 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 BAIFA protects the security of PII collected for Express Lanes. Continued use of the Express Lanes constitutes the customer's agreement to this Privacy Policy and any updates.

### **Emails Sent to BAIFA**

This Privacy Policy only applies to PII that BAIFA obtains in connection with a customer's use of the Express Lanes. This Privacy Policy does not apply to other web-based content or personal information that is transmitted directly to BAIFA. A customer should not send PII in an email directly to BAIFA, if he or she wants to keep content or data private.

### **Contact information**

BAIFA welcomes comments on this Privacy Policy. Also, if there are questions about this statement, please contact the BAIFA Privacy Officer at:

Bay Area Infrastructure Financing Authority  
Attn: Privacy Officer  
375 Beale Street, Suite 800  
San Francisco, CA 94105-2066  
Or email: [privacy.officer@bayareametro.gov](mailto:privacy.officer@bayareametro.gov)  
Or call: 415.778.6700

### **History of Changes to Privacy Policy**

July 27, 2016	Privacy Policy Established
February 7, 2019	Revisions to address opening of I-680 Express Lanes between Walnut Creek and San Ramon, identify future BAIFA Express Lanes, and make other clarifications
March 8, 2023	Revisions to update description of Express Lanes, address the Express Lanes START <sup>(SM)</sup> Pilot Program, clarify existing practices, and make other clarifications.