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NCLA Appeals Case Contesting Data Collection of Automatic License Plate Readers in Coral Gables, FL

Raul Mas Canosa v. City of Coral Gables, Florida, et al.

Washington, DC (December 14, 2021) - The City of Coral Gables, Florida, uses Automatic License Plate Readers (ALPRs) to collect and store geographic location data of drivers navigating the City, aggregates that information, and stores it in a database accessible to law enforcement for three years. This warrantless surveillance infringes the privacy rights of residents like Raul Mas Canosa, who is suing over the use of ALPRs.

The New Civil Liberties Alliance, a nonpartisan, nonprofit civil rights group, filed an [opening brief](#) Monday in Florida's Third District Court of Appeal, arguing that the City's adoption of the ALPR program, based on statewide guidelines issued by the Florida Department of Law Enforcement (FDLE), violates the Fourth Amendment to the U.S. Constitution and Article I, Section 23 of the Florida Constitution. Mr. Mas argues that the trial court erred in [ruling](#) that there is no constitutional right to privacy in one's movement over time if the government stops short of monitoring and cataloging the individual's every single public movement. He also challenges the trial court's ruling that FDLE's guidelines, which interpret Florida law and implement a mandatory, uniform statewide policy, are not a "rule" that would require notice-and-comment rulemaking.

In 2015, Coral Gables authorized the use of 17 ALPRs to form a "geofence" perimeter around the City to provide maximum surveillance potential 24 hours a day. By 2019, the ALPR program had collected over 106 million images, 101 million of which it retained for three years pursuant to the City's data retention plan. Additionally, Coral Gables elected to share the ALPR data with 68 other jurisdictions, including federal law enforcement.

Discovery in the case revealed that, as of January 2019, the City had catalogued 393 photographs of Mr. Mas throughout Coral Gables. Each photograph includes the precise date, time, latitude and longitude of his vehicle, and an estimate of the nearest address and intersection.

Remarkably, even though Mr. Mas has alleged a constitutional injury based on the government's collection, retention, and aggregation of his location information, the trial court held that he failed to establish an actionable injury because the government has never "utilized" that data against him. NCLA has warned the Court of Appeal that the trial court's standing ruling would prevent law-abiding citizens from protecting their constitutional rights.

NCLA released the following statements:

"The City of Coral Gables is using ALPRs to systematically infringe the constitutional rights of everyone who drives on its roads. The trial court's decision to allow this warrantless surveillance erodes the right to privacy by failing to recognize how technological advances allow the government to monitor our whereabouts in ways not previously possible."

— **Jared McClain, Litigation Counsel, NCLA**

“If I’ve done nothing wrong, I have no criminal record, why is my city monitoring me? We’re going to wake up one day and find that we have no more rights left; that they’re all in the hands of government; that bureaucrats can surveil us whenever and wherever they want. I’m not ready to sort of, roll over and just say, ‘OK fine, go ahead and do it, track me 24 hours a day.’ I don’t think that’s right.”

— **Raul Mas Canosa, Plaintiff, *Raul Mas Canosa v. City of Coral Gables, Florida, et al.***

For more information visit the case page [here](#) or watch the case video [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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