

January 24, 2022



## First Amendment FOUNDATION

The House Tourism, Infrastructure & Energy Subcommittee  
303 House Office Building  
402 S. Monroe Street  
Tallahassee, FL 32399-1300

### Re: HB 1121 Crash Reports and Traffic Citations

Dear Representatives:

The First Amendment Foundation writes to express its concerns with HB 1121. If the bill is meant to prevent the misuse of data for identity theft, the focus should be on the exploitation of information rather than the data itself. While the public necessity statement points to the Driver's Privacy Protection Act as a justification for the exemption, the federal statute is not a general privacy protection measure. See AGO 2010-10. The DPPA does not protect information used in the creation of a new record.

HB 1121 states that an agency may provide information to the media and may release information in accordance with the Driver's Privacy Protection Act. However, nothing requires agencies to provide such information. The public, press, and researchers will not be able to identify crash trends and monitor ticketing patterns. The exemption will unduly restrict access to information on government infrastructure and law enforcement available to the public, while permitting access only to enumerated individuals.

FAF suggests allowing journalists to access the reports just as they currently do within 60 days of a crash, subject to proof of identification and statement that the report will not be used for commercial solicitation. In the alternative, FAF recommends mandating, rather than permitting, release of summary reports on crashes. This more properly balances the interest in preventing identity theft and the public's right to know and oversee public infrastructure and government actions.

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Thank you for your consideration. Please don't hesitate to contact the Foundation if you have any questions or concerns.

With best regards,

FIRST AMENDMENT FOUNDATION



Pamela C. Marsh  
Executive Director

cc: The Honorable Chris Sprowls, Speaker, Florida House  
Amy Hollyfield, Tampa Bay Times, Chair, First Amendment Foundation  
Mr. Samuel Morley, General Counsel, Florida Press Association  
Dana Banker, President, Florida Society of News Editors