



# Surveillance Use Policy

WHOOSTER Data Solutions  
San Diego Police Department

## PURPOSE

WHOOSTER is an internet-based, online subscription service available to Law Enforcement and Public Safety, the Department of Defense, retail and commercial entities, insurance and financial services, and collections and recovery agencies. As defined on WHOOSTER.com, the service provides, “unprecedented access to a broad spectrum of historical and real-time public and private data sources. Analyzed in isolation or collectively, these datasets illuminate circumstances and connections that, until now, have been largely unknown or inaccessible to most departments.” It offers real-time resources to locate information about individuals, social media, phone information, court case filings, real estate, assets, international and transnational activity, motor vehicle matters, licenses, and company-related information.

WHOOSTER is used by members of the San Diego Internet Crimes Against Children Task Force (ICAC) during criminal investigations.

WHOOSTER is not a consumer reporting agency and the WHOOSTER services are not provided by “consumer reporting agencies,” and do not constitute “consumer reports.”

Only authorized task force members have access to the service. The service requires a unique login to access the tools. That login is made available only to authorized ICAC investigators.

## USE

WHOOSTER is utilized by ICAC members for investigative purposes. Access is on a “need to know, right to know” basis, meaning there is an active crime case or law enforcement event that initiates the data inquiry. Utilizing this database enhances and advances the investigative process.

## DATA COLLECTION

Users can make inquiries on a variety of identifiers that include but are not limited to a person, social security number, death records, residency records, phone numbers, emails, usernames, real estate records, motor vehicle records, and criminal records. A comprehensive report can be requested that organizes this information into a report format, in logical groupings that make it easier to understand. The information is only a possible match and must be confirmed, that is, vetted for accuracy with the source agency before a law enforcement response can be initiated.

The provided data can be downloaded and stored by the investigator as an investigative lead on the task force’s Network Attached Storage (NAS) located in the secured ICAC office. All data provided from the service determined not to be of evidentiary value is deleted.

## DATA ACCESS

Only task force members, investigators, and certified forensic examiners, who have been authorized by the task force commander can access WHOOSTER. They must be able to articulate a “need to know, right to know” requirement. All transactions are for the furtherance of law enforcement activity.



# Surveillance Use Policy

WHOOSTER Data Solutions  
San Diego Police Department

When accessing WHOOSTER, the user identifies their “need to know, and right to know” by selecting the following purpose levels:

1. **GLBA** (Gramm-Leach-Bliley Act)  
Our purpose is “to comply with Federal, State, or local laws, rules, and other applicable legal requirements.”
2. **DPPA** (Driver’s Privacy Protection Act)  
Our purpose is “Use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out that agency’s functions.”

In addition, the user enters a case number or other unique identifier associated with the related law enforcement event in the “Reference ID” field.

## DATA PROTECTION

Only task force members who have been authorized by the task force commander can access WHOOSTER. Each authorized member is provided with the login and password which is managed by the task force commander. To access the site, a user must log in with a unique identifier, an alphanumeric password that is changed every four months, and utilize two-factor security measures.

WHOOSTER cannot be accessed by anyone other than the authorized user.

## DATA RETENTION

Per evidence code sections related to crimes perpetrated against children allowing for historical evidence to be brought forth, extracted data is retained until the death of the suspect.

When a task force member determines that downloaded WHOOSTER information no longer has a legitimate law enforcement use, the information shall be destroyed in a manner so that the identity of the subject can no longer be reasonably ascertained, e.g., shredding printouts, deleting electronic records & clearing from trash folders.

## PUBLIC ACCESS

The data downloaded from WHOOSTER is only used in criminal investigations and is not available to the public. Copies of the data can only be obtained with a court order or through the discovery process.

## THIRD-PARTY DATA SHARING

Data that has been downloaded from WHOOSTER is not shared without a court order or other legal proceedings such as discovery. The extracted data is considered confidential, and there is no third-party access or sharing.



# Surveillance Use Policy

WHOOSTER Data Solutions  
San Diego Police Department

## TRAINING

Investigators and certified forensic examiners who use WHOOSTER access virtual training provided by WHOOSTER before using the software.

## AUDITING AND OVERSIGHT

ICAC maintains a log of all authorized WHOOSTER users.

An audit can be performed by site administrators (Task Force Commander) on an as-needed basis. Users who leave the task force have their access removed. At the point of conducting an inquiry, a field titled "Reference" serves as a method to demonstrate the user's "need to know, right to know" by providing case numbers, incident numbers, or other unique identifiers.

Misuse of the system would be reported to and investigated by the task force member's Internal Affairs unit. Violations of the laws, agency policies, or user agreement terms and conditions would subject the task force member to discipline and/or criminal proceedings or civil processes.

## MAINTENANCE

WHOOSTER is responsible for updating and uploading information to its platform. Information gathered is only a pointer system. The user validates the authenticity of the information through the appropriate custodian of records, typically a law enforcement agency or if necessary, through another non-law enforcement service provider through a search warrant.