

CALIFORNIA COURT OF APPEAL, FIRST APPELLATE DISTRICT, DIVISION FIVE

Bartholomew v. Parking Concepts, Inc.

No. A171546 (Cal. Ct. App. Feb. 5, 2026) · No. A171546 · Decided February 5, 2026

SUMMARY

The California Court of Appeal, First Appellate District, Division Five, held that collecting and using license plate information without implementing and publicly making available the usage and privacy policy required by California’s Automated License Plate Recognition Law constitutes harm under that statute. The court reversed the demurrer ruling in part as to the ALPR claim, while affirming dismissal of the plaintiff’s Unfair Competition Law claim for failure to allege economic injury sufficient for standing. The opinion was certified for partial publication, with parts II and III excluded from publication.

CASE DETAILS

COURT	California Court of Appeal, First Appellate District, Division Five
WRITING FOR THE COURT	Simons, Acting P. J.; Burns, J.; Chou, J.
JURISDICTION	California Court of Appeal, First Appellate District, Division Five
DECIDED	February 5, 2026
DOCKET	A171546
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a judgment entered after the trial court sustained Parking Concepts' demurrer without leave to amend.
STANDARD OF REVIEW	De novo review of an order sustaining a demurrer; the court independently determines whether the complaint states a cause of action. Denial of leave to amend is reviewed for abuse of discretion, with reversal required if there is a reasonable possibility the defect can be cured by amendment.
PRECEDENTIAL VALUE	Published in part; parts II and III are unpublished and nonprecedential under California Rules of Court.
PARTIES	Brendan P. Bartholomew v. Parking Concepts, Inc.

TOPICS

statutory interpretation

consumer protection

appellate procedure

constitutional law

remedies

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QUESTIONS PRESENTED

1. Whether the complaint sufficiently alleged that Parking Concepts operated an automated license plate recognition system.
2. Whether collecting and using a plaintiff's ALPR information without implementing and publicly providing the statutorily required usage and privacy policy constitutes harm under the ALPR Law.
3. Whether Bartholomew alleged sufficient economic injury to establish standing under the Unfair Competition Law.
4. Whether the alleged collection of ALPR information at a single parking garage constituted a serious invasion of privacy under the California Constitution.

HOLDINGS

1. The complaint sufficiently alleged that Parking Concepts operated an ALPR system because the display of Bartholomew's license plate number on the entry ticket and exit kiosk reasonably supported an inference that an automated camera and computer program converted the plate image into computer-readable data stored in a searchable database.
2. A plaintiff need not allege measurable monetary damages to establish harm under the ALPR Law, but must allege more than the bare fact of a statutory violation.
3. An ALPR operator's collection and use of an individual's ALPR information without implementing and making publicly available the usage and privacy policy required by Civil Code section 1798.90.51 constitutes harm under the ALPR Law.
4. Bartholomew failed to allege the economic injury required for standing under the Unfair Competition Law because the alleged risk of identity theft, loss of value of personal information, and asserted unwillingness to pay for parking absent disclosure were too speculative.
5. The alleged open collection of ALPR information at a single parking-garage location, which customers could avoid by not parking there, was not a serious invasion of privacy as a matter of law.

KEY QUOTATIONS

“Collecting and maintaining individuals’ ALPR information without implementing and making public the statutorily required policy harms these individuals by violating this right to know.” (14)

“We hold that Parking Concepts’ open collection of ALPR information at a single location, which an individual can avoid by not parking at the Garage, is not an egregious breach of social privacy norms.” (19)

FACTUAL BACKGROUND

Bartholomew parked multiple times in Parking Concepts' garage during 2022 and 2023. When he entered, a kiosk printed a ticket displaying his vehicle's license plate number, and when he exited, another kiosk displayed the plate number and automatically lifted the barrier. He alleged that Parking Concepts collected and used his license plate information through an automated system without implementing or publicly providing the usage and privacy policy required by California's ALPR Law.

PROCEDURAL HISTORY

Bartholomew sued Parking Concepts, alleging violations of California's Automated License Plate Recognition Law, the Unfair Competition Law, and the California Constitution's right to privacy. The San Francisco Superior Court sustained Parking Concepts' demurrer without leave to amend and entered judgment for Parking Concepts. The Court of Appeal reversed and remanded as to the ALPR Law claim based on failure to implement a usage and privacy policy, but otherwise affirmed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Proceed with further proceedings on the second ALPR Law cause of action based on Parking Concepts' failure to implement a usage and privacy policy. The trial court's rulings on the UCL and constitutional privacy claims, and the other ALPR claim, remain affirmed.

CASES CITED

- Vann v. City and County of San Francisco, 97 Cal. App. 5th 1013, 1019-1020 (2023)
- Thomas v. Regents of University of California, 97 Cal. App. 5th 587, 610-611 (2023)
- Frayo v. Martin, 102 Cal. App. 5th 1025, 1033 (2024)
- Navarro v. Data, 2022 WL 18280359 (C.D. Cal. Dec. 7, 2022)
- Lieberman v. KCOP Television, Inc., 110 Cal. App. 4th 156, 166-167 (2003)
- Miller v. Collectors Universe, Inc., 159 Cal. App. 4th 988, 1000, 1002 (2008)
- Chai v. Velocity Investments, LLC, 108 Cal. App. 5th 1030, 1040 (2025)
- Larkin v. Workers' Comp. Appeals Bd., 62 Cal. 4th 152, 157-158 (2015)
- Moore v. Centrelake Medical Group, Inc., 83 Cal. App. 5th 515, 538 (2022)
- Suchard v. Sonoma Academy, 109 Cal. App. 5th 1089, 1092, 1096, 1098, 1100 (2025)
- Mathews v. Becerra, 8 Cal. 5th 756, 769, 779 (2019)
- Folgelstrom v. Lamps Plus, Inc., 195 Cal. App. 4th 986, 990 (2011)
- American Civil Liberties Union Foundation v. Superior Court, 3 Cal. 5th 1032, 1037-1038, 1044 (2017)