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Taxi and Limousine Commission
Office of Legal Affairs
33 Beaver Street – 22nd Floor
New York, NY 10004

To Whom It May Concern:

The Center for Democracy & Technology (CDT) writes regarding the proposed amendments to the New York Taxi and Limousine Commission's (TLC) rules governing For-Hire Vehicles (FHVs) and their bases. While the hearing on these rules has already taken place, we urge the TLC to act deliberately in promulgating new rules and to take steps, detailed below, to protect individual privacy when collecting data about vehicles, passengers, and rides.

The TLC states that these changes are designed to make it easier to identify vehicles to protect consumers and enforce safety, as well as to protect drivers in the case of Workers Compensation claims. We agree that these goals are important. However, while the proposed changes to the rules may effectuate those goals, they also create a host of other issues that may imperil individual privacy. A key new requirement in the proposed rules would mandate that records be regularly transmitted to the TLC. These records must contain the date, time, and location of a passenger pickup; the driver's license number; the vehicle's license number, and the TLC license number of the base that dispatched the vehicle and the base affiliated with the vehicle. Previously, those records were available for TLC inspection, but were not required to be transmitted to the TLC on an ongoing basis.

The data contained in these records contains personal information that may identify individual drivers and passengers and, over time, could be used to track individuals and their movements with a high level of accuracy. While it is clear that the intention for these modifications is *not* to create such dossiers, any bulk collection and storage of personal data increases the likelihood that data may be misused or accessed without authorization. It is for this reason that CDT has consistently advocated that entities that collect information do so in restricted ways, for specifically delineated purposes, rather than collect massive amounts of data for potential, unspecified future uses. In this case, while the TLC's

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intentions of protecting consumers and drivers are laudable, the data collection requirements do not meet this standard.

While one data point in isolation may not provide much detail about one person, when combined over time data sets can provide a great deal of information about individuals. At present, the TLC is only requiring base to transmit information regarding the *pickup* location of passengers. While this type of collection does not provide much information about passengers, it *does* provide a detailed overview of *driver* movements during a shift, which affects their privacy as employees.

Additionally, should the TLC expand these requirements — for example, by requiring the *dropoff* location to also be transmitted — much more detailed profiles of individual passengers could be created, implicating their privacy interests. For example, a pick up early in the morning at a residential address is a clear indication of where someone lives – allowing for relative ease in linking that trip to a particular person. If at a later date the TLC chooses to collect more data concerning individual trips, it would dramatically increase the possible privacy risks. Recent news stories have highlighted the possibility of identifying individuals and their movements by using data collected from taxis in New York,[1] emphasizing the need for caution in this area, and for the TLC to think proactively about how to protect the privacy of the data it collects through strong security measures.

Rather than constantly transmit data back to the TLC — which would make it easier for unauthorized third parties to access that data — dispatchers should instead be required to maintain databases (using strong security measures such as encryption) for access upon request or necessity. By doing so, the TLC would necessarily limit the scope of its data collection, ensuring that it would be less likely to suffer a catastrophic data breach and reducing the governmental costs of maintaining its own security program. Requiring the dispatchers to maintain these records (and mandating security standards) would still allow the TLC to protect consumers and drivers, in the event of an accident or when needed for an investigation, and access records expeditiously, without requiring the massive transmission of individual data.

Should the TLC decide to proceed with the proposed regulations, we would recommend it mandate robust security standards, including but not limited to encryption, when data is transmitted from dispatchers to the TLC. This would reduce the likelihood of data breach. The TLC should also only retain data for a limited period, which would limit the repercussions from a breach. Given the seriousness of these concerns and the complex policy questions raised by the proposed changes, we hope that the TLC chooses to extend the review process to allow for a more thorough discussion among stakeholders with interests and expertise in this area. However, should the original timetable stand, we hope that

[1] http://research.neustar.biz/2014/09/15/riding-with-the-stars-passenger-privacy-in-the-nyc-taxicab-dataset/

the TLC takes the above points into account when revising its regulations. Should you have any further questions, please feel free to contact CDT at 202.637.9800.

Regards,

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