



December 16, 2020

**VIA Email**

Michelle D. Schwartz  
Chief Corporate Strategy and Affairs Officer, Los Angeles World Airports  
1 World Way  
Los Angeles, CA 90045

**Re: Significant Privacy Concerns About Collection of Airport Visitor Location Information**

Dear Ms. Schwartz:

We hope that you and your colleagues at the Los Angeles World Airports (LAWA) are safe and well in these challenging times.

We are concerned about LAWA's decision to adopt the Mobility Data Specification (MDS), and about the interest it has shown in compelling ride-share companies such as Uber and Lyft (Transportation Network Companies, or "TNCs") to disclose information about their customers, including the precise location where the customer got in the vehicle that took the customer to the airport, and the precise destination where the vehicle that picked them up at the airport dropped them off.<sup>1</sup>

The Center for Democracy & Technology is a nonpartisan, nonprofit technology policy advocacy organization dedicated to advancing individual rights in the digital age.<sup>2</sup> A priority for our organization is securing individual privacy from unwarranted government intrusion. We urge you to review the report we recently issued on demands by city governments for the compelled disclosure of mobility data, including under the MDS standard.<sup>3</sup> The compelled disclosure of location information—perhaps in real time<sup>4</sup>—raises significant privacy concerns for individuals who use TNCs to go to and from the airport. Further, the MDS contains extremely revealing and granular data fields including trip ID, trip origin, trip destination and route. Cities currently demand this information from shared micromobility service providers including those who operate dockless scooters and bikes. Dockless scooter riders in Los Angeles have challenged the

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<sup>1</sup> Oral Statement of Michelle Schwartz Chief Corporate Strategy Los Angeles World Airports, Los Angeles City Council Transportation Committee Hearing, Minute 27 to 29:35 (Jan. 22, 2020),

[https://lacity.granicus.com/MediaPlayer.php?view\\_id=46&clip\\_id=19677](https://lacity.granicus.com/MediaPlayer.php?view_id=46&clip_id=19677).

<sup>2</sup> Center for Democracy & Technology, <https://cdt.org/about>.

<sup>3</sup> Mana Azarmi & Noah Resnick, SMART ENOUGH CITIES: GOVERNMENTS THAT SEEK MOBILITY DATA MUST RESPECT INDIVIDUAL PRIVACY, Center for Democracy & Technology (June 2020), <https://cdt.org/wp-content/uploads/2020/06/2020-06-25-CDT-Mobility-Data-Whitepaper-full-FINAL.pdf>.

<sup>4</sup> LETTER FROM INTERIM CHIEF EXECUTIVE OFFICE LOS ANGELES WORLD AIRPORTS JUSTIN ERBACCI, TO HONORABLE MIKE COUNCILMEMBER MIKE BONIN, 6 (Jan. 17, 2020), [https://clkrep.lacity.org/online/docs/2018/18-0449\\_rpt\\_LAWA\\_01-17-2020.pdf](https://clkrep.lacity.org/online/docs/2018/18-0449_rpt_LAWA_01-17-2020.pdf).

compelled disclosure of this sensitive information because it violates the Fourth Amendment to the U.S. Constitution, the California Constitution and California Electronic Communications Privacy Act.<sup>5</sup> The privacy and constitutional concerns raised by LAWA’s interest in expanded data collection are even more troublesome, because in the airport/TNC context there is a very high likelihood that the precise location information LAWA demands will reveal the exact home addresses of many TNC customers. We strongly discourage you from compelling precise locations and other granular data<sup>6</sup> from TNCs because such compulsion raises significant privacy, security and legal concerns.<sup>7</sup>

We are particularly concerned that LAWA proposes to transition to the MDS with no formal public notice or opportunity for input from the public. We appreciate that the stated purpose for LAWA’s exploration of further compelled data from TNCs includes addressing congestion at the airport. However, the compelled disclosure—whether in real time or from storage—of precise trip origin and destination information outside the airport is not necessary to address airport congestion and cannot be justified given the privacy and security interest described below.

**Privacy and Security.** LAWA’s decision to adopt the MDS, and its interest in expanding the information it compels from TNCs beyond the geo-fence of the airport, are problematic as they pose a significant threat to the privacy rights of people who use a rideshare to go to or from the airport. We appreciate that LAWA has acknowledged and pledged that, “[p]ersonally identifiable information is not necessary, and LAWA will not request or require such information as part of any future data collection efforts.”<sup>8</sup> To fulfil this promise, LAWA cannot collect precise individual trip geolocation information. While MDS does not require the disclosure of a passenger’s name or another conventional identifier, precise location information itself can be an identifier. It is difficult to anonymize and when combined with other data, can easily be associated with a particular individual.<sup>9</sup> Often even standing alone, a

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<sup>5</sup> *Sanchez v. LADOT*, CASE NO: 2:20-cv-05044, <https://www.eff.org/document/sanchez-v-ladot-complaint>.

<sup>6</sup> The MDS includes unnecessarily granular and revealing information including, “device\_id”, “vehicle\_id”, “trip\_id”, “route”, “start\_time”, and “end\_time”, which may be compelled in real time. Open Mobility Foundation, Mobility Data Specification, <https://github.com/openmobilityfoundation/mobility-dataspecification/tree/dev/provider#routes>.

<sup>7</sup> Mana Azarmi & Noah Resnick, SMART ENOUGH CITIES: GOVERNMENTS THAT SEEK MOBILITY DATA MUST RESPECT INDIVIDUAL PRIVACY, Center for Democracy & Technology (June 2020), <https://cdt.org/wp-content/uploads/2020/06/2020-06-25-CDT-Mobility-Data-Whitepaper-full-FINAL.pdf>. See also, LETTER FROM CENTER FOR DEMOCRACY & TECHNOLOGY TO DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION, (March 20, 2020), <https://cdt.org/wp-content/uploads/2020/03/2020-03-20-CDT-Letters-to-DDOT-LADOT-regarding-mobility-data.pdf>.

<sup>8</sup> LETTER FROM INTERIM CHIEF EXECUTIVE OFFICE LOS ANGELES WORLD AIRPORTS JUSTIN ERBACCI, TO HONORABLE MIKE COUNCILMEMBER MIKE BONIN, 7 (Jan. 17, 2020), [https://clkrep.lacity.org/onlinedocs/2018/18-0449\\_rpt\\_LAWA\\_01-17-2020.pdf](https://clkrep.lacity.org/onlinedocs/2018/18-0449_rpt_LAWA_01-17-2020.pdf).

<sup>9</sup> See Yves-Alexandre de Montjoye et. al., UNIQUE IN THE CROWD: THE PRIVACY BOUNDS OF HUMAN MOBILITY, *Nature* (2013), <https://www.nature.com/articles/srep01376> (Researchers who studied 15 months of anonymized mobile phone location data of 1.5 million people were able to uniquely identify 95% of the individuals in their study from just four data points each. This was the case even though the data relied upon in the study was less precise than the

single residential address (such as a TNC pick-up or drop-off location) can identify a single individual, or at least narrow the possibilities to a small handful of people.

In addition to revealing one's identity, location data can reveal one's life. Airport visitors may be coming from or leaving to their place of work, their home, the residence of a friend or significant other, or a place of worship, potentially revealing in turn their profession, their associations and relationship status, and religion. Indeed, the Supreme Court recognized this in *Carpenter v. United States*, stating that time-stamped location data "provides an intimate window into a person's life, revealing not only his particular movements, but through them his 'familial, political, professional, religious, and sexual associations.'"<sup>10</sup> The intrusion and risk to the individual would be aggravated by real time data disclosure. For example if LAWA compels information revealing where and when airport visitors arrive from and depart to and that information gets into the wrong hands (or is accessed by rogue employees), thieves or stalkers may know whether an individual is home. The risk is even greater for travelers (or airport employees) who follow a regular pattern of using TNCs to ride to or from the airport.

**Legal.** As we noted above, the MDS's application to micromobility devices is currently the subject of legal challenge under the Fourth Amendment, the California Constitution and CALECPA. This suit should caution LAWA against compelling the types of data that have prompted the challenge, including real time and granular information about individual trips from start to finish, as well as the route taken. Additionally, California's Legislative Counsel Bureau, a nonpartisan public agency that prepares legal opinions for the California Legislature, concluded that CalECPA's prohibitions restrict a department of a city or county from imposing real-time data-sharing requirements on a shared mobility provider as a condition of granting a permit for operation.<sup>11</sup> As a department of the City of Los Angeles this prohibition would so constrain LAWA.

**Public Accountability and Notice.** Privacy advocates and the public have been concerned about the development of the MDS since its genesis. Application of the MDS to any transportation device, be it a dockless scooter or a TNC, implicates the privacy rights of the individual using the service. In light of the serious issues it raises, LAWA's decision to adopt the MDS should have

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GPS location data that is required under the MDS). Additionally, New York Times reporters have analyzed databases of de-identified location data (location data points not directly connected to an individual's name or another conventional identifier), generated by the use of cell phones and demonstrated that the data could become reidentified. Jennifer Valentino-DeVries et. al., *Your Apps Know Where You Were Last Night, and They're Not Keeping It Secret*, N.Y. Times (Dec. 10, 2018), <https://www.nytimes.com/interactive/2018/12/10/business/location-data-privacy-apps.html>; Stuart A. Thompson and Charlie Warzel, *Twelve Million Phones, One Dataset, Zero Privacy*, N.Y. Times (Dec. 19, 2019), <https://www.nytimes.com/interactive/2019/12/19/opinion/location-tracking-cell-phone.html>.

<sup>10</sup> *Carpenter v. United States*, 138 S. Ct. 2206, 2217 (2018) (quoting *United States v. Jones*, 132 S.Ct. 945, 955 (2012) (Sotomayor, J., concurring)).

<sup>11</sup> LEGISLATIVE COUNSEL BUREAU, CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT - #1916004 (Aug 1, 2019), [https://cdn.theatlantic.com/assets/media/files/calecpa\\_dockless\\_mobility\\_provider\\_lc\\_opinion\\_\(2\).pdf](https://cdn.theatlantic.com/assets/media/files/calecpa_dockless_mobility_provider_lc_opinion_(2).pdf).

been part of a public input process. Use of LAWA's services is mandatory for many due to the many obligations that require air travel, including for purposes of employment, to see family, and to seek needed health care. TNCs provide a convenient means of getting to and departing from the airport for those who don't live near traditional taxi cabs, cannot drive themselves, do not own a car, and are not near public transportation options. It is vital that individuals' needs to travel are not burdened by concern about the disclosure of their personal information to LAWA, or to hackers and thieves. Moving forward, if LAWA seeks to use the MDS to expand its data collection regime there should be opportunities for public participation and an accounting of the need for any data collected, and plans for data protection and minimization.

We thank you for your time and consideration of these concerns. Please direct questions about this letter, and your response to the letter, to the Center for Democracy & Technology's Gregory Nojeim at [gnojeim@cdt.org](mailto:gnojeim@cdt.org) (202.407.8815) or Mana Azarmi at [mazarmi@cdt.org](mailto:mazarmi@cdt.org) (202.407.8828).

Sincerely,



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Mana Azarmi  
Policy Counsel

Center for Democracy & Technology

cc: Mike Bonin, Chair, Transportation Committee, Los Angeles City Council