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CENTER FOR DEMOCRACY
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Jumaane Williams
New York City Council Member, 45th District
4517 Avenue D
Brooklyn, NY 11203

Helen Rosenthal
New York City Council Member, 6th District
563 Columbus Avenue
New York, NY 10024

Dear Councilmembers Williams & Rosenthal:

The Center for Democracy & Technology (CDT), a leading privacy and civil liberties advocacy group focused on technology law and policy, has long supported both individual privacy rights in the digital age, as well the need for governments to regulate specific areas of the economy in order to promote public safety, compliance with the law (e.g. for non-discrimination and equal access), and for potential research purposes. At the state and local level, legislatures, city councils, and regulatory bodies frequently enact statutes or promulgate rules that require companies to provide information about their practices for oversight, compliance, research, and safety — a necessary governmental function. At a fundamental level, we believe that local regulators can perform their crucial oversight role by gathering enough information to promote transparency while still safeguarding the personal information of a municipality's citizens.

We therefore write in response to your recent *New York Daily News* editorial calling on Airbnb to share more data with the government for enforcement purposes.¹ While we agree that upholding the law is important, we feel that preemptive data releases should be de-identified, with data on specific users only provided when there is a reasonable belief of non-compliance with the law.

As we have noted on several occasions, some proposals designed to provide information to state and local governments regarding the practices of technology companies in highly regulated sectors like housing, transit, and utilities may be

¹ <http://www.nydailynews.com/opinion/rosenthal-williams-airbnb-duty-share-data-article-1.2442123>



overbroad in their drafting.² In some instances, the government has mandated massive data transfers from companies to agencies, creating a host of privacy and security concerns. Because these companies collect sensitive information such as legal names, addresses, financial information, location information, and email addresses from users, large data transfers of consumer data may imperil individual privacy without cause.

While the government may need sensitive information for individual enforcement actions, or may need multiple records for auditing and research, large-scale transfers should be disfavored. A superior approach would be to narrowly tailor such programs to achieve the necessary governmental goals while avoiding overbroad collection and retention. Specifically, state and local governments should collect only necessary consumer information, for delineated purposes, and must prescribe both security standards and retention limits for the data.

The Community Compact furthers the governmental need of providing information for oversight and research purposes, while attempting to minimize the risk of re-identifying individual users by aggregating data and excluding account identifiers. While not a replacement for traditional regulation, it is a promising step in allowing for government oversight and analysis (as well as public awareness) of the effects of Airbnb in a specific market. Through de-identification, it also reduces the potential negative effects from freedom of information requests that could lead to re-identification or tracking, as has been documented in other contexts.³

As a result, we support this effort from Airbnb and hope that it spurs other cooperative agreements. CDT will continue to be involved in these issues and urges other cities and states to create similar arrangements with companies, as well as continuing to draft regulations and statutes that promote governmental interests while protecting individual privacy and security through limited collection, explicitly stated purposes, data minimization, and robust security.

Respectfully,

G.S. Hans
Policy Counsel

² See, e.g., <https://cdt.org/blog/civil-agencies-want-more-consumer-data-will-they-keep-privacy-in-mind/>, <https://cdt.org/blog/changes-to-short-term-rental-laws-must-include-privacy-and-free-speech-protections/>.

³ See, e.g., <http://research.neustar.biz/2014/09/15/riding-with-the-stars-passenger-privacy-in-the-nyc-taxicab-dataset/>