

December 26, 2016  
Taxi and Limousine Commission  
Office of Legal Affairs  
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**Re: Privacy Implications of Collecting FHV Drop-off Location Data in Proposed Rule 2016 RG 097**

Dear Commissioners,

We write to highlight the privacy risks posed by the Taxi and Limousine Commission's (TLC) proposed rule to address the risks of fatigued driving and add trip reporting requirements for for-hire vehicle (FHV) bases. We urge the Commission not to adopt these requirements unless the scope of these requirements are more narrowly tailored to focus on trip duration and the serious privacy risks created by the proposal are mitigated.

The proposed rule would create significant privacy risks by mandating that FHV bases collect and transmit passenger drop-off time and location data, which can be highly sensitive information. The proposed rule poses particular risks in light of the TLC's current data collection—FHV bases must already report the date, time, and location of passenger pick-ups—and the history of similar passenger data held by TLC becoming publicly available in response to Freedom of Information requests. With the addition of drop-off data, the TLC's data set would provide the TLC and the public with a comprehensive view of the movements of individual New Yorkers.

According to the proposed rules, FHV bases will be expected to collect and transmit to TLC the drop-off time and location for each trip that they dispatch, as well as an indication of whether a passenger is sharing all or part of her trip with passengers from another dispatched trip. This data would be required in addition to preexisting requirements regarding reporting of the date, time, and location of dispatches.<sup>1</sup>

Though the TLC recognizes that it must protect the privacy and confidentiality of any data it collects, it does not acknowledge the heightened privacy and security concerns

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<sup>1</sup> §59B-19.

that accompany the collection of vast quantities of sensitive location information. For example, the proposed rules are unclear on how this new information about passenger drop-offs would or could be shared among city departments. Clear rules must be established to address potential access to the data by other agencies and law enforcement. Law enforcement access to such data about citizens, in particular, raises serious Fourth Amendment concerns. Data collected by the TLC can also be subject to New York's Freedom of Information Law, creating a high risk that private information will be made public and widely available. The TLC has previously released similar data in response to Freedom of Information requesters, and requesters have made that data easily accessible to anyone with an internet connection.<sup>2</sup>

The undersigned previously voiced concerns about prior data collection and reporting requirements for FHV Dispatch Applications proposed by the TLC.<sup>3</sup> Several studies have demonstrated that even de-identified data can be "reverse engineered" to reveal passenger names and trip pick-up and drop-off location information.<sup>4</sup> By adding drop-off time and location to the collected data, the privacy risk posed by this dataset grows substantially, offering the TLC and anyone else who accesses this information a comprehensive, 360-degree view into the movements and habits of individual New Yorkers. Evidence shows that even with robust de-identification, the more data points that are added to a data set, the easier it is to re-identify individuals.<sup>5</sup>

We understand that the Commission has proposed this rule change in order to reduce the risks associated with fatigued driving. However, it is unclear how the collection of precise location information—information that includes details of the day-to-day activities, lifestyles, and habits of millions of individuals—will achieve this end.<sup>6</sup> Driver fatigue results from long periods of time on the road, which is information the TLC could ascertain from collecting trip duration rather than pick-up and drop-off location

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<sup>2</sup> Chris Whong, *FOILING NYC's Taxi Trip Data* (Mar. 18, 2014), [http://chriswhong.com/open-data/foil\\_nyc\\_taxi/](http://chriswhong.com/open-data/foil_nyc_taxi/).

<sup>3</sup> Letter from Bill of Rights Defense Committee, Defending Dissent Foundation, Center for Democracy & Technology, Constitution Project, Electronic Frontier Foundation, and Future of Privacy Forum (May 18, 2015), available at [https://fpf.org/wp-content/uploads/TLC\\_PrivacyLetter\\_May2015.pdf](https://fpf.org/wp-content/uploads/TLC_PrivacyLetter_May2015.pdf).

<sup>4</sup> E.g., Neustar Research, *Riding with the Stars: Passenger Privacy in the NYC Taxicab Dataset* (Sept. 15, 2014), Dataset <https://research.neustar.biz/2014/09/15/riding-with-the-stars-passenger-privacy-in-the-nyc-taxicab-dataset/>.

<sup>5</sup> See, e.g., Montjoye, Yves-Alexandre de, César A. Hidalgo, Michel Verleysen, and Vincent D. Blondel, *Unique in the Crowd: The Privacy Bounds of Human Mobility*, SCIENTIFIC REPORTS 3 (March 25, 2013): 1376. doi:10.1038/srep01376.

<sup>6</sup> G.S. HANS, DATA IN THE ON-DEMAND ECONOMY: PRIVACY & SECURITY IN GOVERNMENT DATA MANDATES (Dec. 2015) (explaining that government requests for information should be specific and narrow).

information of individual passengers. At minimum, the TLC should explore ways to: 1) tailor the data collection more narrowly to the stated purpose by focusing on trip duration rather than the location of passengers' trips; 2) collect less precise, more general geographic information; and 3) enact policies and procedures that detail the privacy and security protections for such sensitive data.

Driver fatigue is a serious concern, and we respect the TLC's need to ensure the safety of FHV's in New York City. However, it is important that TLC carefully consider and address the serious privacy and security challenges presented by its collection of precise drop-off locations and times. We urge the Commission not to take action on these rules before they have the opportunity to engage in a more in-depth consultative process with privacy professionals and organizations, technical experts, and the public in order to determine how to achieve the TLC's goals without unnecessarily placing passengers' privacy at risk.

Thank you for the opportunity to comment on the TLC's proposed rules. We welcome the chance to discuss our concerns further.

Sincerely,

