

## Jan 5 TLC Hearing Uber testimony

Good morning, Commissioners.

My name is Ashwini Chhabra, and I am here representing FHV bases that use the Uber app.

I'd like to start by stating that Uber wholeheartedly supports the goal of the City's *Vision Zero* initiative, and we further support the Commission's commitment to addressing driver fatigue.

However, there are certain provisions of the proposed rules that are unrelated to driver fatigue, which we do not support and I will focus my comments on those aspects of the rules.

Specifically, we object to the requirement to report drop-off location information for FHV trips, or information about whether trips are shared, for the following reasons:

**First, the specific location of the drop-off, and whether or not a ride is shared, has no connection to driver fatigue.**

- While drop-off time may be needed to calculate trip duration, neither the drop-off location nor whether a trip was shared by multiple passengers has any bearing on driver fatigue. In fact, given the uncertainty introduced by traffic conditions, road closures, wait times, and other factors, trip destinations are a highly unreliable measure of the fidelity of trip duration data.
- If the TLC is searching for methods of auditing trip duration data, we, along with others in the FHV industry, would be more than happy to explore alternatives shy of reporting the drop-off location data for 3 million FHV trips every week.

**Second, and I think most importantly, these rules would have an impact on individual privacy that needs to be better understood and considered before proceeding.**

- Two years ago, over the objections of privacy advocates, the Commission voted to require FHV bases to report the pick-up time and location of every trip commencing in the City. And over the past two years, the TLC has amassed a dataset of over 165 million FHV pick-ups.
- At the time, Gautam Hans, then with the privacy advocacy organization Center for Democracy & Technology warned "[i]f the TLC proposes at a later date to collect additional information (such as drop-off location) as well, that would raise further privacy concerns, given the sensitivity of location information." [CDT blog, Nov 19, 2014]
- Fast forward two years and we're now discussing the collection of drop-off times and locations. With this added information, the TLC will be in possession of a data set that maps the particulars of every single for-hire trip that takes place in the City.
- As several leading privacy advocacy organizations—namely, the Future of Privacy Forum, the Center for Democracy & Technology, the Electronic Frontier Foundation, the Constitution Project and TechFreedom—have observed "by adding drop-off time

and location... 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." [12/26/16 letter to TLC]

- Shahid Buttar with the Electronic Frontier Foundation has further warned that "the destinations of riders comprise a sensitive and lucrative data set that would be vulnerable to theft or malicious hacking" and the collection of this precise location data "raises vital security concerns." [Vice News, 12/22/2016]
- While we appreciate the need the TLC has for data to assist in developing policy, we believe that the trip details at issue reveal sensitive details about riders that riders do not wish to be reported to the government.
- In fact, we wrote to some Uber riders to inform them about these proposed rules, and received an overwhelming response—numerous tweets, and over 7,000 emails to the TLC Rules inbox with requests that they be shared with each of you.
  - As you may already know, some of the concerns riders raised in their emails to you include the fear that collection of this data will lead to "an Orwellian state," that this collection of their trips by the government is "creepy," and concerns that this plan was "not shared fully with city residents as it should be, given its privacy implications."
  - Though these riders couldn't attend this hearing in person, many wanted us to share their comments with you:
    - One rider wrote to bemoan the fact that New York is "systematically destroying its citizen's privacy and personal freedoms guaranteed by [the] federal constitution. If rules and laws like these continue to pass, I will take my family and business to a free State.... I am a veteran of two wars who fought to defend Americans' freedom to come and go. I'm very concerned with your plan to collect additional precise information about the trips I take."
    - Another rider wrote "I moved from Germany to the US a few years ago. My parents and my friends from Eastern Germany told me what it is to live in a country of surveillance. You do not (!) feel safe."
    - Several other riders who wrote indicated that they will curtail or end their use of TLC-licensed services if the Commission proceeds with these rules as written. And visitors have written to indicate that the outcome here will impact whether they will visit New York City again.
  - One thing that is clear from these rider messages is that government collection of trip data is simply too big an issue to consider as adjunct to the issue of driver fatigue. It is an issue riders feel passionately about, and any decision about this policy needs much more involvement by the general public than it has been afforded.

Beyond rider concern over collection of this data by the government, the Commission must consider what can happen with that data once it has been gathered by the TLC from the hundreds of service providers these rules would affect.

- That data is vulnerable to data breaches, which are sadly far more commonplace now than they were when the Commission started collecting yellow taxi data years ago.
- That data is also vulnerable to demands from other government agencies who may want this data for different reasons than the TLC.
- And finally, because the TLC periodically makes at least some of this data public, it is vulnerable to re-identification by third parties.

Given the foregoing, as you consider what action to take with respect to the driver fatigue rules, we recommend you proceed only with those provisions that actually pertain to driver fatigue, but do not require the reporting of trip drop-off location or the reporting of whether a trip is shared by multiple customers.

We would be happy to engage with each of you and with the TLC staff to determine the best method for auditing trip duration data that doesn't also compromise rider privacy.

I thank you for your patience, and at this time I'm happy to answer any questions you may have pertaining to these rules.

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