

March 20, 2020

Jeff Marootian
Director
District Department of Transportation
55 M Street, SE, Suite 400
Washington, DC 20003

Dear Director Marootian:

This letter is in response to your revised Data and Reporting Standards (Attachment C), dated February 24, 2020. We want to first offer support to the District as it manages the public health crisis caused by the novel coronavirus COVID-19. The safety and well-being of the entire D.C. community - our riders, our team, and the community at large - remains our priority and we have been proud to partner with the District to remain an alternative transportation option. We write to follow up on our concerns related to consumer privacy under your new data sharing requirements that are a condition to continue operating starting March 27, 2020.

As part of current and future operations in the District, JUMP is committed to providing DDOT with comprehensive data reporting that will help inform DDOT's transportation and infrastructure planning and help DDOT achieve its goals. However, as we have previously advised, we have significant privacy and other concerns with sharing vehicle on-trip data in real-time. We value the importance of this data, and share the belief that while it is critical for the District to continue to receive data from operators, consumer privacy must also be taken into account.

DDOT Will Now Require MDS Provider in Real-Time

On February 24, 2020, DDOT without notice or opportunity for public comment amended the 2020 Dockless Vehicle Terms and Conditions to require operators to send it the following via the Mobility Data Specification ("MDS") Provider API: (1) the location of our vehicle while a person is riding it "as close to real-time as possible, but with no more than a 3 minute delay," and (2) the full route a person took on our vehicle "no more than 2 hours after the completion of a trip."

JUMP's Concerns with MDS Provider API:

- The MDS includes on-trip vehicle data which sends the precise GPS, timestamp, and route information for individual trips directly to DDOT mostly in real-time. This data can be used to easily re-identify riders (even when anonymized).

- Our users have a reasonable expectation of privacy while using our app and devices and the real-time provision of on-trip vehicle data to DDOT without due process constitutes unjustified surveillance.

DDOT has not offered a clear rationale for why it needs real-time on-trip data. DDOT suggests it might be necessary for special event and emergency planning. However, the District already has two important tools at its disposal. The District may (1) directly utilize the real-time device data it receives on the location of parked devices. This type of data is distinct from on-trip data and does not carry the same risks; or (2) call on operators to adjust their operations and/or send messages out to their riders. Indeed, it is JUMP's standard practice to respond to District requests expeditiously. To that end, we have built a track record of working with DDOT for a variety of purposes, including special events like the World Series, without providing real-time on-trip vehicle data.

The MDS has received significant concern from the legal and privacy communities. For example:

- The Electronic Frontier Foundation ("EFF") recently sent a letter to Mayor Bowser and Director Marootian expressing their concerns about the MDS generally and the District's new real-time data sharing requirement in dockless mobility permits. (Attached).
- The Center for Democracy & Technology ("CDT") also recently sent a letter to Director Marootian expressing their alarm at DDOT's decision to require real-time, granular location data of individual users and encouraged DDOT to instead adopt an approach of collecting aggregated location data. (Attached).
- Before requiring operators to share MDS data, privacy advocates recommend the District develop, adopt and implement publicly available privacy principles in the interest of transparency. The public should be able to clearly understand how the District will collect, use, minimize, secure, and share this information. The District should clarify that on-trip vehicle geolocation data will be treated as personally identifiable information (PII).

JUMP Opposes MDS Agency API

While DDOT has not implemented any additional changes to the data requirements of the 2020 Dockless Vehicle Terms and Conditions beyond those of February 24, 2020, the earlier proposed 2020 requirements stated that the District may begin to require MDS Agency. The Agency-API requires operators to receive and ingest data and commands from the District and

dynamically adjust operations in response to those commands. This would amount to an unprecedented level of oversight and control that the District would have over private companies and individual citizens, and presents significant surveillance risks.

Given these concerns, we respectfully ask that the District reject any requirement to implement the Agency-API until a transparent and public discourse can take place, including stakeholder engagement from both District residents and leading U.S. privacy organizations.

Finally, due to the extraordinary circumstances related to the COVID-19 health crisis, we request that DDOT temporarily suspend the requirement that operators comply with its new MDS requirement pending further discussion and resolution. JUMP is proud to provide, and hopes to continue to provide, two popular transportation alternatives that District residents regard as safe and compatible with social distancing recommendations of public health authorities. Meanwhile, JUMP is committed to working with DDOT to ensure that you have the data you need while prioritizing your citizens' and our customers' privacy.

Regards,



Justine Casselle
Counsel, New Mobility
Uber Technologies, Inc.
On behalf of Social Bicycles LLC

cc: Colin Tooze, Director of New Mobility Policy, Uber Technologies, Inc.
Stephanie Smith, Senior Manager, Public Policy, Uber Technologies, Inc.
Nick Valentino, General Manager, JUMP Mid-Atlantic, Uber Technologies, Inc.
Sharada Strasmore, Shared Micromobility Planner, District Department of Transportation



March 18, 2020

The Honorable Muriel Bowser
Mayor of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004
muriel.bowser@dc.gov

Jeff Marootian
Director, District Department of Transportation
55 M Street, SE, Suite 400
Washington, DC 20003
jeff.marootian@dc.gov

Re: Opposition to Invasive Data Sharing Requirements for Dockless Mobility Devices

Dear Mayor Bowser & Director Marootian:

I write on behalf of the Electronic Frontier Foundation (EFF) to express serious concerns regarding the District Department of Transportation's (DDOT) data standards regarding shared dockless mobility devices, such as electric scooters. EFF is a non-profit, member-supported civil liberties organization, based in California and with members across the United States, that works to protect privacy and civil liberties in the digital world.

We appreciate that dockless mobility devices pose major challenges for Washington, D.C. in terms of public safety, public health, and other issues. We wish to state for the record, however, that government real-time collection of fine-grained trip data of scooter or other dockless mobility device users poses a significant threat to their privacy. We are currently involved in similar proceedings in Los Angeles. *See, e.g.,* <https://www.eff.org/deeplinks/2019/04/los-angeles-department-transportations-ride-tracking-pilot-out-control>.

I have also attached a detailed letter sent last year by EFF and a partner organization (Open Technology Institute (OTI)) to Los Angeles that explains our location privacy concerns, much of which will likely apply to the extent that DDOT is also implementing the flawed Mobility Data Specification (MDS). I emphasize that EFF does not speak for OTI here; we attach this letter merely as a detailed—and we hope thoughtful—discussion of the privacy issues raised by municipal implementation of MDS.

As our attached letter details, data relating to individual trips on dockless mobility devices—including where trips start and end, in addition to information relating to particular routes taken—is sensitive location information that pertains to the movements of real people. This is true even if usernames are stripped out. Human mobility patterns

Opposition to Real-Time Data Sharing Requirements

March 18, 2020

Page 2 of 2

are highly unique, and that makes anonymizing location data a notoriously difficult technical challenge. Studies have shown that when it comes to location data, removing names is not enough to protect privacy.

Accordingly, we strongly recommend that you modify your 2020 Dockless Data Standards, which require that shared mobility operators provide granular data on individual trips, including data relating to trip starts and trip ends, and that they do so in “as close to real-time as possible, but with no more than a 3 minute delay of a vehicle status change.”

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jamie Williams". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jamie Williams
Senior Staff Attorney
Electronic Frontier Foundation
(415) 436-9333 x164
jamie@eff.org



March 20, 2020

Director Jeff Marootian
District Department of Transportation
55 M Street, SE, Suite 400
Washington, DC 20003

Conveyed via email to jeff.marootian@dc.gov

RE: Urgent Privacy Concerns With City's Decision To Collect Traveler Mobility Location Information

Dear Director Jeff Marootian:

We hope you and your colleagues at the Department of Transportation are safe and well in these uncertain and challenging times. The Center for Democracy & Technology is a nonpartisan, nonprofit technology policy advocacy organization dedicated to advancing individual rights in the digital age.¹ We write regarding the District Department of Transportation's (DDOT) decision to compel mobility service providers to regularly disclose, in real time or near real time, granular location information reflecting their customers' travels as a condition of operating in the District of Columbia. We are alarmed that the DDOT decided to not only adopt the Mobility Data Specification (MDS),² but also by its recent decision to compel providers to update the (/events) data field as close to real-time as possible with no more than a 3 minute delay of vehicle status change, and (/trips, /status_change) no more than 2 hours after completion of a trip. The collection of this granular location data is unnecessary for transportation planning purposes and is extremely problematic for privacy.

We share the attached memo that describes some of the privacy and security risks in MDS that we communicated to the Los Angeles Department of Transportation. As outlined in the attachment, the data the DDOT intends to compel is very sensitive and potentially identifiable. MDS's data fields include 'device_id', 'vehicle_id', 'trip-id', 'route', 'start_time', and 'end_time'. This data is quite granular and revealing. The 'route' field for example "includes every observed point in the route, even those which occur outside the municipality boundary."³ Location data, even de-identified (not directly tied to a credit card or customer profile) is very difficult to anonymize,⁴ and we are concerned that the data the DDOT intends to compel could be associated with an individual traveler.

¹ Center for Democracy & Technology, <https://cdt.org/>.

² District Department of Transportation, *Data and Reporting Standards*, at 5 (Jan. 1, 2020), https://ddot.dc.gov/sites/default/files/dc/sites/ddot/page_content/attachments/2019.11.6%20Dockless%20Permit%20TC%20Attachments.pdf.

³ Open Mobility Foundation, *Mobility Data Specification*, <https://github.com/openmobilityfoundation/mobility-data-specification/tree/dev/provider#routes>.

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



Courts have found that location information is a highly sensitive category of personal data. The United States Supreme Court recognized in *Carpenter v. United States*, 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.’”⁵ As the Court explained, “location records hold for many Americans the privacies of life.”⁶ The data the DDOT seeks to compel could reveal an individual’s visit to a house of worship, Planned Parenthood, a political protest or a sensitive meeting such as Alcoholics Anonymous. Patterns in the data could reveal social relationships and personal habits including when people leave for work, run errands, and where they like to go.

We understand that the DDOT has a number of goals for its Dockless Vehicle Sharing Program, including ensuring equitable access to devices,⁷ and that data may play a role in assessing whether the program is meeting those goals. However, given the considerable risks to privacy, we urge the DDOT to adopt a different approach to data reporting, preferably one limited to the reporting of aggregated data, rather than individual trip level data. Properly aggregated, such data can serve legitimate planning needs and protect privacy at the same time.

Please do not hesitate to reach out with any questions in response to this letter to the Center for Democracy & Technology’s Gregory Nojeim at gnojeim@cdt.org (202.407.8815) or Mana Azarmi at mazarmi@cdt.org (202.407.8828).

Sincerely,

Gregory Nojeim
Senior Counsel & Director, Freedom Security and Technology Project

Mana Azarmi
Policy Counsel

Center for Democracy & Technology

dataset released in 2013, which included pickup and drop off times and locations, as well as anonymized versions of taxi license and medallion numbers, a researcher was able to identify rides taken by specific celebrities and the identities of people who frequented strip clubs).

⁵ *Carpenter v. United States*, 138 S. Ct. 2206, 2217 (2018) (quoting *United States v. Jones*, 132 S.Ct. 945, 955 (2012) (Sotomayor, J., concurring)).

⁶ *Id.* at 2217 (2018).

⁷ District Department of Transportation, *Dockless Sharing Vehicles Permit Application 2020*, at 2 (Nov. 6, 2019), https://ddot.dc.gov/sites/default/files/dc/sites/ddot/page_content/attachments/2020%20Permit%20Application.pdf.