

November 19, 2014

Taxi and Limousine Commission
Office of Legal Affairs
33 Beaver Street – 22nd Floor
New York, New York 10004
VIA EMAIL to tlcrules@tlc.nyc.gov

Re: Privacy Concerns with Proposed Rule Change to §59B-19

Dear Commission:

It has come to our attention that the Commission intends to vote later this week on a proposed amendment to §59B-19 of the Taxi and Limousine Commission (TLC) rules. Under the current rule, all For Hire Vehicle Base Owners must maintain records of the date, time, and location of the passenger to be picked up, as well as the driver's For-Hire License number for each trip dispatched. Base Owners are required to make such records available for inspection by the TLC upon request. These rules enable the TLC to access specific records as needed for protecting rider safety.

The proposed change, however, would require Base Owners not only to maintain such records for TLC inspection, but to provide all such records to the TLC routinely regardless of need. This proposal is not a run-of-the-mill rule change. The result is a consolidation of vast amounts of information about the private trip records of millions of passengers, with significant implications for their Fourth Amendment rights. The proposed change provides no guidance regarding the format the data must be submitted in or the frequency with which it must be submitted, leaving such questions to be "prescribed by the Commission." There are no safeguards in place for protecting the information or ensuring that only the narrowest set of information needed is collected. Previous news reports demonstrate how the compilation of such vast databases by the TLC can reveal very private geolocation information about who is traveling and precisely when and where.¹

Given the significance of this proposed rule change for the privacy and safety of millions of riders, we urge the Commission to engage in a more in-depth consultative process with privacy organizations and the public about how to achieve the Commission's goals without endangering rider privacy and safety before bringing the proposed change to a vote. A rule change of such significance deserves sufficient forethought and discussion.

Sincerely,

¹ See, e.g., <http://gawker.com/the-public-nyc-taxicab-database-that-accidentally-track-1646724546>.

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American-Arab Anti-Discrimination Committee

Electronic Frontier Foundation

Center for Democracy and Technology

The Constitution Project

Constitutional Alliance

Defending Dissent Foundation