



Kevin Cahill
Chair, Assembly Committee on Insurance
LOB 716
Albany, NY 12248

February 27, 2017

Re: Transportation Network Company data disclosure and FOIL.

Dear Chairman Cahill,

We write to urge you and the Assembly to ensure that any legislation authorizing Transportation Network Companies to operate outside of NYC requires TNCs to provide state and local regulators with digital records about trips and drivers. We note that data that TNCs are required to provide to New York City government has allowed the public to make informed analysis about the impact of TNCs on NYC traffic and congestion – which appear to be extensive.

TNC legislation proposed by Governor and the Senate require TNCs to collect important trip and driver data, but not to provide that to state and local regulators. Instead, regulators are supposed to audit TNC records by visually inspecting a small sample of millions of rows of data at twice a year meetings.¹ We find this absurd and an essentially useless charade. Nobody can determine whether a very large dataset is accurate and complete without importing that data into a database and mapping the data with geospatial software. Additionally, auditing the completeness of data is not the same as being able to use that data to determine the transportation, environmental and safety impact of TNC activity is.

If TNCs are required to save specific data to ensure public safety and compliance with labor laws, that data should be fully shared with state regulators – just as extremely sensitive insurance, banking and health records are. The Freedom of Information Law and its case law provides explicit protections for sensitive commercial information and personal privacy and both agencies and the courts have consistently upheld those protections.

¹ (See §1698(1) and §1698(2)(B) of S4159-2017, which includes an identical provision to Governor's S2008/A3008.)

Thank you,

John Kaehny
Executive Director

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P.S. Below is the section of proposed legislation we find objectionable and list of data that NYC already collects from TNCs.

We oppose this provision in both S4159 (Seward) and the Governor's Article VII bills S2008/A3008. (Section numbers are from S4159)

§1698(1) For the sole purpose of verifying that a TNC is in compliance with the requirements of this article and no more than biannually, the Department shall reserve the right to visually inspect a sample of records that the TNC is required to maintain, upon request by the Department that shall be fulfilled in no less than ten business days by the TNC. The sample shall be chosen randomly by the Department in a manner agreeable to both parties. The audit shall take place at a mutually agreed location in New York. Any record furnished to the Department may exclude information that would tend to identify specific drivers or passengers.

§1698(2)(B), In response to a specific complaint against any TNC driver or TNC, the Department is authorized to inspect records held by the TNC that are necessary to investigate and resolve the complaint. The TNC and the Department shall endeavor to have the inspection take place at a mutually agreed location in New York. Any record furnished to the Department may exclude information that would tend to identify specific drivers or passengers, unless the identity of a driver or passenger is relevant to the complaint.

§1697. Maintenance of records. A TNC shall maintain the following records:

1. Individual trip records for at least six years from the date each trip was provided; and
2. Individual records of TNC drivers at least until the six year anniversary of the date on which a TNC Driver's relationship with the TNC has ended.

§59B-19 of Title 35 of the Rules of the City of New York:

1. Required Information. A Base Owner must make sure that the following records are collected and transmitted to the Commission in a format, layout, procedure, and frequency prescribed by the Commission:
 - a. With respect to all dispatched calls:
 - i. The date, the time, and the location of the Passenger to be picked up
 - ii. The Driver's For-Hire License number
 - iii. The dispatched Vehicle's License number
 - iv. The TLC License number of the For-Hire Base that dispatched the Vehicle
 - v. The TLC License number of the For-Hire Base affiliated to the dispatched Vehicle
 - b. With respect to all affiliated Vehicles:
 - i. The Owner's name, mailing address, and home telephone number
 - ii. The Vehicle's registration number
 - iii. The Vehicle's License number
 - iv. The Vehicle's license plate number
 - v. The name of the Vehicle's insurance carrier and the policy number
 - vi. The dates of inspection of the Vehicle and the outcome of each inspection