



Who Owns the Data? Data Considerations in a “Smarter” World

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“SMART”ER TRANSPORTATION WORLD

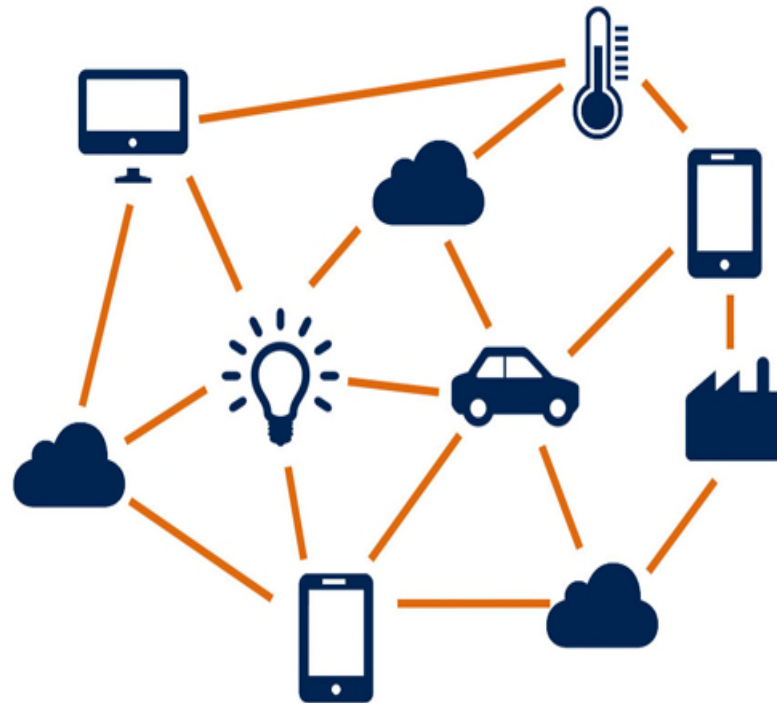


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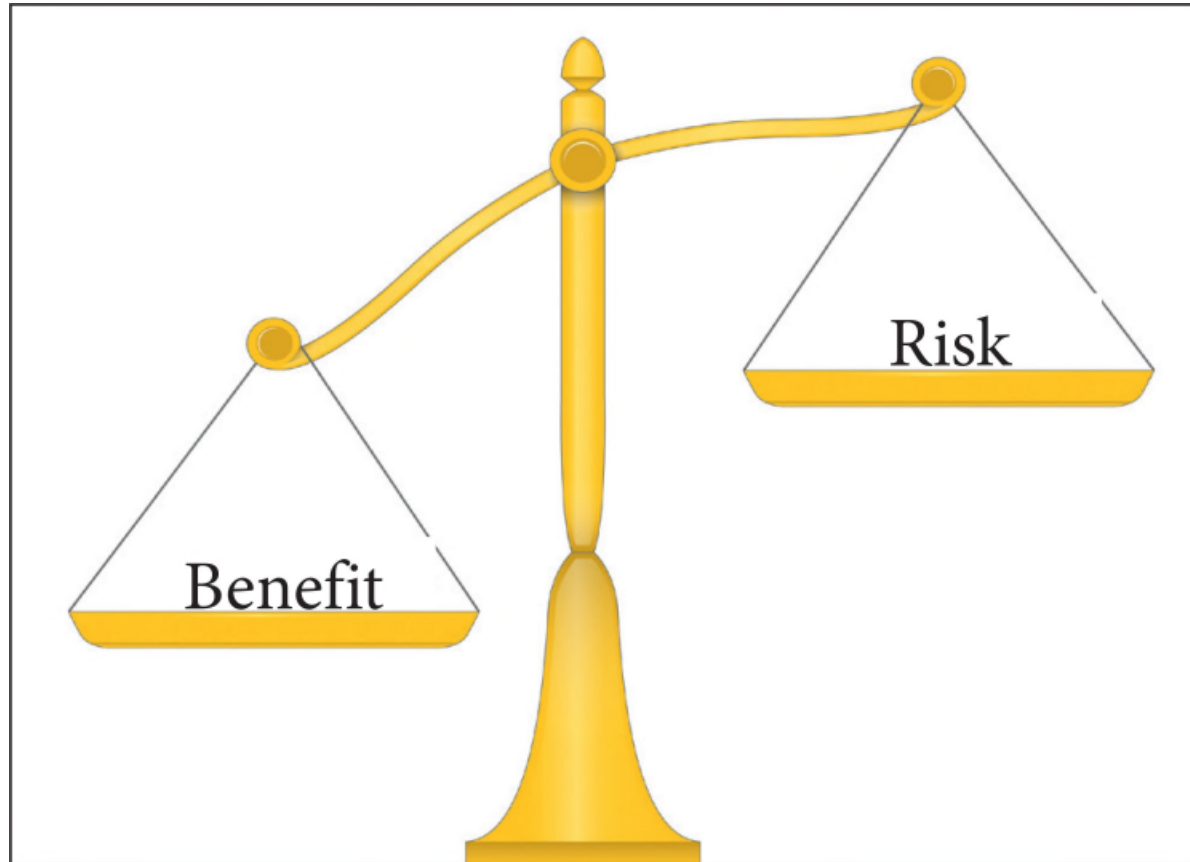
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DATA, DATA, DATA....



BALANCING RISKS AND BENEFITS



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BENEFITS VS. RISKS

- Efficient use of resources
- Prioritizing infrastructure investments and capital projects
- Insights into rider preferences
- Safety
- Misuse of information
- Data breaches
- Compliance considerations and costs
- Privacy and customer trust



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Challenges and Potential Solutions

- Privacy
- Cybersecurity
- Data storage costs
- Open data laws
- Terms of Use and Informed Consent
- Privacy policy
- Cyber insurance
- Cloud computing
- Data sharing agreements
- Rethinking Terms of Use



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EDUCATION AND TRUST



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DATA SHARING PLATFORMS

- Negotiated data sharing agreement as part of contracting process
 - But, can you effectively carve out trade secrets and proprietary information?
- Third Party Data Repositories
 - Third party host (i.e. university)
 - Policies and procedures for data sharing and analysis
 - But, do you need specific legislative authority if public agency involved?
- Crowdsourcing
 - But, is it reliable?



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DATA!!! KNOW WHAT YOU ARE ASKING FOR AND WHY

- Event Data
- Health information
- Geolocation data
- Travel patterns
- Driver behavior
- Driver communications
- Biometric data
- Shopping habits – “Alexa”



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CASE ALERT: *LYFT, INC. v. CITY OF SEATTLE*

- Decided May 31, 2018 by WA State Supreme Court
- Reports provided to City by TNC's with information on number of rides and pick-up and drop-off in certain zip codes
- City used reports not only for regulation, but also to analyze TNC impact in transportation system
- PRA request received for the reports and TNC's claim they are protected trade secrets, including reference to Uniform Trade Secrets Act
- While may be a trade secret under UTSA, UTSA does not have specific exemption from public disclosure laws
- Balancing test required (damage from release vs. public interest in disclosure) since WA law does not have express exemption for trade secrets
- Case remanded back to lower court to apply proper test



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PRIVACY AND OVERSHARING



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**Law is evolving, but still a ways to go:
*Carpenter vs. U.S.***

- Decided 5-4 on June 22, 2018
- 396 million cell phone service accounts in U.S. – for a Nation with 326 million people
- Court order, but no warrant, obtained for Cell Site Location Information (CSLI) and used during trial
- 6th Cir: no expectation of privacy since “voluntarily” provided by user to carrier
- SC: Disagreed and held there is a legitimate expectation of privacy in CSLI records



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Carpenter vs. U.S. (cont.)

- Digging a little deeper:
 - Decision is narrow
 - Cell phones have become “pervasive and insistent part of daily life”
 - CSLI can provide “intimate window” into a person’s life since phone travels with person
 - No “voluntary” sharing without affirmative act on the part of the user beyond powering up



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INFORMED CONSENT TO INFORMED RISK?



Important updates

Twitter is updating its Terms of Service and Privacy Policy to provide you with even more transparency into the data Twitter collects about you, how it's used, and the controls you have over your personal data. These updates will take effect on May 25, 2018. [Learn more](#)

Got it



Apple Music & Privacy

Apple Music is designed to protect your information and enable you to choose what you share.

- Apple collects information about your Apple Music activity, such as the songs you play and how long you play them, to personalize the service when you are subscribed, and compensate our partners.
- iCloud Music Library sends information from your music library to Apple, such as song and artist names, to identify and unlock copies of any of your songs that are also available in Apple Music.



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TO BE THINKING ABOUT...

- Do we have/need a privacy policy?
- Are we collecting data on our system users? (i.e. do you have an app or online payment system?)
- Does GDPR apply?
- Are software contractors selling user data?
- Do we have the right protections in contracts?
- How to promote collaborative data sharing with private/public pilot projects around emerging technologies?
- What is our vision for integration of technology into transportation system?



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