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# Ridership Data: Diamond Mine or Sink Hole

JUNE 11, 2019

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# Fair Collections Committee Chair

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**APTAtch**  
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**Committee**



# APTAtech: TRANSPORTATION TECHNOLOGY CONFERENCE

SEPTEMBER 15-18, 2019 / HYATT REGENCY • COLUMBUS, OH  
Formerly Fare Collection/Revenue Management & TransiTech Conference

# Fair Collections Committee Chair

**Lynn Brumfield**

Senior Program Manager  
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**APTatech  
Program & Planning  
Committee**



# Housekeeping

- This webinar will be **recorded** and made available on APTA's website next week
- All attendee phone lines are **muted**
- To ask a question, use the **Questions panel** throughout the presentation and during the **Q & A** at the end of the presentation



A screenshot of a GoToWebinar interface. At the top, there's a menu bar with 'File', 'View', and 'Help'. Below it, the 'Audio' section is active, showing 'Telephone' selected and 'Mic &amp; Speakers' unselected. The dialing information includes 'Dial: +1 (914) 614-3429', 'Access Code: 871-482-194', and 'Audio PIN: 9'. A red banner below this says 'If you're already on the call, press #9# now.' followed by '(and additional numbers ...)' and a link 'Problem dialing in?'. Below the audio section is a 'Questions' panel with a large text input area and a 'Send' button. At the bottom, it says 'Webinar Now' and 'Webinar ID: 153-465-475'. The GoToWebinar logo is at the very bottom.

# Presenter

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# Roadmap

- Uses of ridership data
- Sources of obligations to protect ridership data
- Securing rights in ridership data
- Protecting ridership data
- Questions

# Uses of Ridership Data

- Account-based systems and integrated payment
- Advertising
- Third-party service providers
- Analytics and enhancements

# Sources of Obligation to Protect Data

- Contractual obligations
- Reputational considerations
- Statutory/regulatory framework

# Source: Contract

- Contractual obligations regarding data collection and usage
- Geolocation data – “brightest flashlight” app

# Source: Reputational Harm

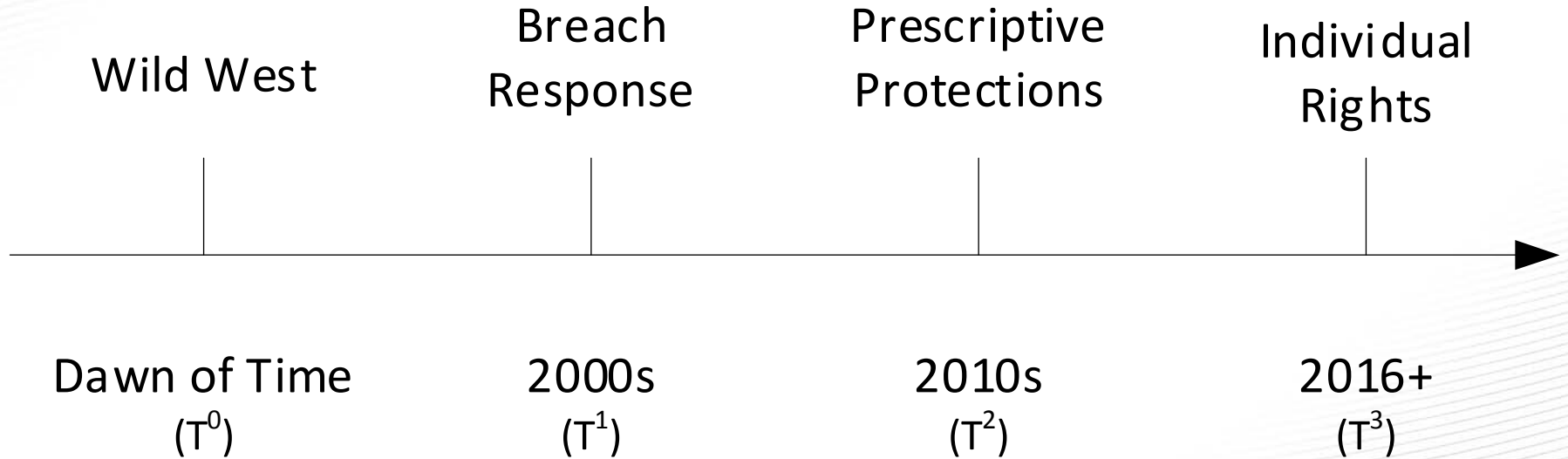
- Reputational harm can be as (or more) severe than statutory or contractual harm:
  - Undermine confidence
  - Impact adoption
  - Difficult to quantify
- Same story – different characters



# Source: Statutory Framework

- Various statutory obligations:
  - Security breach notification laws
  - Preventative InfoSec laws
  - California Consumer Privacy Act
  - Video Privacy Protection Act
  - Children's Online Privacy Protection Act

# Statutory Framework: Evolving Landscape



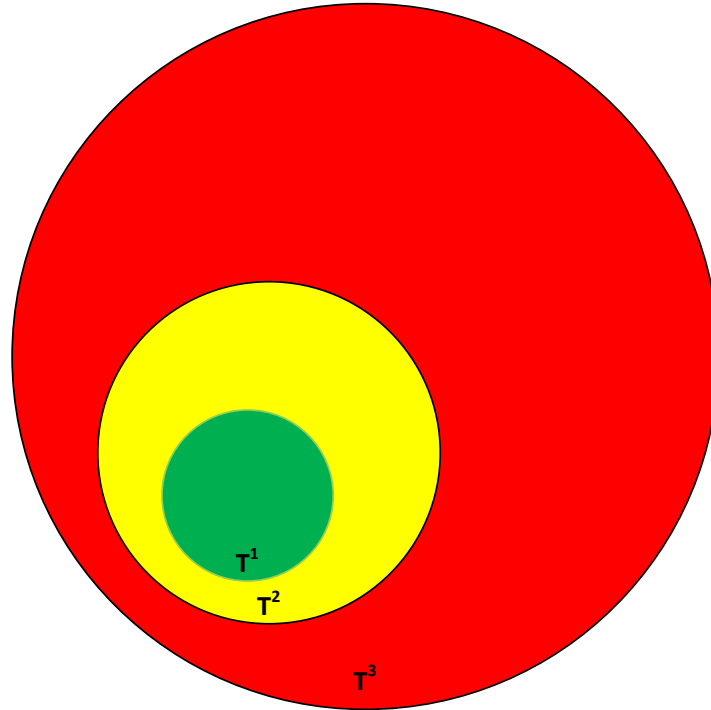
# Regulatory Framework: Individual Rights

- California Consumer Privacy Act:
  - **Transparency:** disclose information collected
  - **Portability:** provide copy of collected information
  - **Control:** delete collected information
  - **Choice:** opt-out of sale
  - **Equity:** no discrimination
  - **Notice:** inform individuals in Privacy Policy
- California is not alone
- Definitional trend

# Regulatory Trend: Personal Information

T <sup>1</sup>	T <sup>2</sup>	T <sup>3</sup>
<p><b>Name plus:</b></p> <ul style="list-style-type: none"> <li>• Social Security number</li> <li>• Driver's license number or State ID</li> <li>• Financial account number, credit or debit card number</li> </ul>	<p><b>Name plus:</b></p> <ul style="list-style-type: none"> <li>• Social Security number</li> <li>• Driver's license number or state ID</li> <li>• Passport number</li> <li>• Checking account number</li> <li>• Savings account number</li> <li>• Credit card number</li> <li>• Debit card number</li> <li>• PIN</li> <li>• Digital signatures</li> <li>• Any other number that allows access to financial resources</li> <li>• Biometric data</li> <li>• Fingerprints</li> </ul>	<p><b>If access to financial account or resources:</b></p> <ul style="list-style-type: none"> <li>• Email name or address</li> <li>• Internet account number</li> <li>• Internet ID name</li> <li>• Parent's legal surname</li> <li>• Passwords</li> </ul>
		<p><b>Information that identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, to an individual or household:</b></p> <ul style="list-style-type: none"> <li>• All in T<sup>1</sup> and T<sup>2</sup></li> <li>• IP address</li> <li>• Commercial information</li> <li>• Internet activity (e.g., browsing history)</li> <li>• Geolocation data</li> <li>• Thermal and olfactory data</li> <li>• Employment data</li> <li>• Education data</li> <li>• Inferences from the above (e.g., predispositions and intelligence)</li> </ul>

# Personal Information



# Securing Rights in Data: Notice and Consent

- Consent establishes legal basis to process data
- Best practices for providing notice and obtaining consent:
  - Freely given
  - Specific
  - Informed
  - Unambiguous
  - Affirmative action required



# Compliance: Internal Practices

- Information Security and Data Governance:
  - Written Information Security Program
  - Data Classification Guide
  - Document Retention and Destruction Program
  - Acceptable Use Policy
  - Vendor Management Program
- Training
- Compliance Audits
- Consistent compliance with legal requirements cannot otherwise realistically be met

# External Protections

- Vendor management
  - Diligence
  - Privacy by design
  - Security by design

# External Protections (Cont.)

- Contractual considerations
  - Compliance with proactive efforts
  - Data breach response obligations, including financial responsibilities
  - Update standard terms

# Questions and Answers



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