



**Testimony of Becky Straus, Legislative Director
Neutral on HB 4086
House Committee on Judiciary
February 4, 2014**

Chair Barker and Members of the Committee:

Thank you for the opportunity to testify this afternoon in regard to HB 4086. We are neutral on the bill, but appreciate the opportunity to inform you of ongoing conversations we have had with representatives from Trimet to identify and begin to sort out key privacy issues relating to the eventual implementation of Trimet's electronic fare collection program.

In addition to other personal account information of riders that includes financial information, it is of most concern to the ACLU that Trimet's collection and retention of rider location and travel patterns is done so in the most privacy-protective manner possible. Where a rider's travels on a daily basis can reveal extremely sensitive information about that person including where he or she chooses to worship, what doctors he or she visits, what political or social organizations he or she belongs to, and more.

The creation and rollout of Trimet's electronic fare collection program appears to be many months away, at least, but it is not too early for Trimet and for this Committee to begin considering key privacy questions.

Privacy roadmap

The need to update our privacy laws in response to increased data collection and advancing technology is not unique to the area of Trimet's fare program. Whether the issue is surveillance by law enforcement, collection and aggregation of personal health information or student education records, or in this case rider travel patterns, the ACLU urges members of the public and policymakers alike to ask the same set of questions meant to outline a consistently protective Privacy Roadmap:

- **Usage.** What type of information is being collected and about whom? In what instances and with what limitations may the collection take place?
- **Sharing and Retention.** What happens to the data after it is collected? Can it be shared? How long is it kept?
- **Control.** Do individuals have the opportunity to know what information is collected about them and correct any inaccuracies?

- **Accountability.** Are there auditing mechanisms in place to ensure compliance with privacy policy and effectiveness of the data collection practices?
- **Transparency.** How can the public stay informed of usage and policy changes?

Trimet's plans

Conversations prior to this legislative session with Trimet's representative, Aaron Deas, indicate that Trimet is already thinking about these important privacy questions. Our understanding is that drafting of privacy policies and notice to customers about data collection and use is underway. Moreover, details regarding how long rider information will be kept are not set, but in part this retention period will also depend on how long the information is linked to an individual rider as opposed to de-identified for data analysis purposes.

We look forward to continuing to work with Trimet to ensure that the program protects the privacy of riders. We ask you for your continued engagement on these issues, as well.

Thank you for the opportunity to comment and thank you for your consideration of our concerns moving forward. Please feel free to be in touch at any time with questions.