

House Bill 4086

Protect the privacy of public transit riders

Background

TriMet is implementing a new electronic fare collection system that will include mobile ticketing and other services for TriMet riders. In connection with this e-fare system, TriMet may collect personally identifiable information of riders. That information may include, for example, information about a rider's travel patterns or a rider's private financial and account information.

Problem

As a "public body," TriMet is subject to the Oregon Public Records Law, ORS 192.410 *et seq.* ("Public Records Law") and is concerned that personally identifiable information collected as part of its planned e-fare system may be subject to disclosure under the Public Records Law by TriMet and other public bodies operating similar e-fare systems in connection with mass transit systems.

Under existing law, personally identifiable information collected by TriMet and other public entities subject to the Public Records Law is not specifically exempted from disclosure. Some current exemptions in the Public Records Law may provide limited, qualified protection from disclosure of some forms of personally identifiable information, but do not cover all situations.

TriMet has significant concerns about being required to disclose riders' travel patterns, especially in cases where there may be domestic violence issues. While this may seem like an extreme example, it does appear to be within the realm of possibility.

Solution

To protect customer privacy, TriMet needs to exempt customer's personal travel patterns from the public records request law.

Other Precedents

The States of Florida, Utah, Georgia and Washington all have public records law exemptions for electronic fare collection.

Why Now?

TriMet will begin designing the new fare system in spring of 2014, and public access to customer travel patterns will be a key issue during system design. By 2015, TriMet will be past the system design stage, so changes made in the 2015 legislative session would likely result in increased costs, project delay and customer service difficulties (due to not being able to connect rider purchases with travel patterns to prevent fraud and allow replacement of defective cards).

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