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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEB SITE: <http://commerce.senate.gov>

ELLEN DONESKI, STAFF DIRECTOR
DAVID SCHWIETERT, REPUBLICAN STAFF DIRECTOR

December 19, 2014

Mr. Travis Kalanick
Chief Executive Officer
Uber Technologies, Inc.
1455 Market Street
San Francisco, CA 94102

Dear Mr. Kalanick:

We are writing to request copies of documents related to Uber's data-security and privacy-protection practices in response to recent media reports that have raised troubling questions and concerns about your company's data practices and its commitment to the terms of its own privacy policy.

Some media reports have suggested that Uber lacks responsible data-security practices and potentially disregards the protections articulated in its privacy policy. For example, the press has reported that the general manager of Uber's New York operations tracked and accessed a reporter's travel logs on multiple occasions, though the reporter never consented to being tracked or having her data accessed.¹ According to another press report, an individual interviewing for a job at Uber reportedly had access to the company's database of customer records, including actual travel records of Uber riders.² Such allegations, if true, appear contrary to Uber's claim that it has a "strict policy prohibiting all employees at every level from accessing a rider or driver's data" with exceptions for a "limited set of legitimate business purposes,"³ and the allegations raise questions about Uber's enforcement of its own policies.

In addition, the press has reported that Uber displayed a customer's real-time location at a widely attended company event using an apparently internal function that shows the locations of Uber vehicles and customers.⁴ This function, dubbed "God View," is reportedly "easily

¹ "God View": Uber Investigates Its Top New York Executive for Privacy Violations, BuzzFeed (Nov. 18, 2014) (online at www.buzzfeed.com/johanabhuiyan/uber-is-investigating-its-top-new-york-executive-for-privacy).

² *Is Uber's Rider Database a Sitting Duck for Hackers?*, Washington Post (Dec. 1, 2014) (online at www.washingtonpost.com/blogs/the-switch/wp/2014/12/01/is-ubers-rider-database-a-sitting-duck-for-hackers/).

³ Uber, *Uber's Data Privacy Policy* (Nov. 18, 2014) (online at <http://blog.uber.com/privacypolicy>).

⁴ Peter Sims, *Can We Trust Uber?* (Sept. 26, 2014) (online at <https://medium.com/@petersimsie/can-we-trust-uber-c0e793deda36>);

accessible to staff across the company.”⁵ These reports are disturbing because geolocation data can be used to create intimate profiles of customers, such as where they live, work, and socialize. Furthermore, Uber’s privacy policy states that Uber will not share geolocation information collected through mobile devices with third parties for any purpose and “will only use this information for the sole purpose of providing customers the ability to request transportation.”⁶

Since 2002, the Federal Trade Commission (FTC) has brought more than 50 enforcement actions against companies that have put consumers’ personal data at risk or that have failed to honor the terms of their privacy policies. The companies were in violation of Section 5 of the FTC Act, which prohibits unfair or deceptive acts or practices. The Commission’s cases have cut a wide swath across industries, including social networking sites, mobile handset manufacturers, application developers, rental car companies, retail and drug stores, check cashing companies, and hotel chains.

The Senate Committee on Commerce, Science, and Transportation has jurisdiction over the FTC, commercial data practices, and consumer privacy. We have advocated for data-security legislation that would better protect consumers and improve corporate responsibility. Chairman Rockefeller and Members of the Committee have also previously requested and received documents and briefings from other companies regarding their data-security and privacy practices.

To further assist the Committee in evaluating questions that have been raised about Uber’s practices and policies, we request copies on all public and internal policies pertaining to the following practices by Monday, December 29, 2014:

1. An overview of, and any and all policies for, “God View,” including who has access to this tool and what information is visible to the viewer and when and how this has changed over time;
2. Any and all of Uber’s privacy policies, including when and how those policies have changed over time. Please also provide a comprehensive list of “legitimate business purposes” as provided for in Uber’s privacy policies;
3. Uber’s practices regarding the sharing of customer data with third parties, including when and how those practices have changed over time. Specifically, whether Uber supplements its data from third parties, such as data brokers, as referenced in its

‘God View’: Uber Allegedly Stalked Users for Party-Goers’ Viewing Pleasure, Forbes (Oct. 3, 2014) (online at www.forbes.com/sites/kashmirhill/2014/10/03/god-view-uber-allegedly-stalked-users-for-party-goers-viewing-pleasure/).

⁵ “*God View*”: *Uber Investigates Its Top New York Executive for Privacy Violations*, BuzzFeed (Nov. 18, 2014) (online at www.buzzfeed.com/johanabhuiyan/uber-is-investigating-its-top-new-york-executive-for-privacy).

⁶ Uber, *Uber Privacy Policy* (effective July 13, 2013) (online at www.uber.com/en-US/legal/usa/privacy).

privacy policy, which states that Uber “may, from time to time, supplement the information we collect about you ... with outside records from third parties”⁷;

4. The extent to which Uber retains customer data, including the type of data retained, the period of time such data is retained, and when and how Uber’s practices regarding customer data retention have changed over time;
5. Uber’s practices regarding notifying customers about its privacy and data security policies related to customer data, and any changes to those policies, including the information provided in Uber’s Data Privacy Policy, which was posted to Uber’s blog on November 18, 2014; and
6. The data security measures Uber has in place to protect its customers’ data from a potential breach.

In addition, we also request a Committee staff briefing from your company’s top officials in charge of data-security practices and privacy as soon as possible to answer any questions about Uber’s policies and practices in these areas.

In response to the recent media reports, you tweeted that Uber is “up to the challenge to show that Uber is and will continue to be a positive member of the community.”⁸ We invite you to put action behind your words and provide answers to the questions and concerns raised about your company. Thank you for your prompt attention to this request. Should you have any questions, please contact Christian Tamotsu Fjeld on the Committee staff at (202) 224-1270, Chris Day on Senator Nelson’s staff at (202) 224-5274, or Nick Choate on Senator McCaskill’s staff at (202) 224-6154.

Sincerely,



Claire McCaskill
Chairman
Subcommittee on Consumer Protection,
Product Safety, and Insurance



Bill Nelson
Chairman
Subcommittee on Science and Space

cc: John Thune
Ranking Member

⁷ Uber, *Uber Privacy Policy* (effective July 13, 2013) (online at www.uber.com/en-US/legal/usa/privacy).

⁸ Travis Kalanick, Twitter Account (Nov. 18, 2014) (online at <https://twitter.com/travisk/status/534790695157248000>).