



October 15, 2019

The Honorable John Cooper  
Mayor of Nashville-Davidson County  
1 Public Square #100  
Nashville, TN 37201

Dear Mayor Cooper:

We write to you and the members of the Council to express our concern over the privacy and data protection implications involved in the City's Transportation Licensing Commission's request for operators of individual mobility devices (a.k.a. "scooters") to provide real time GPS and route information to the City. The City should withdraw this request.

There is a reason why searches typically require a judicially authorized search warrant. Nashvillians are rightly concerned about the City monitoring their precise movements. Such information about their travels can reveal intimate personal details ranging from doctor appointments to voting. Our concerns are not addressed by any effort to anonymize the data. Even if anonymization was certain, mass collection of anonymous data is still invasive to the citizenry as a whole. When collected in bulk, it is capable of being utilized with consequences we cannot begin to understand. Nashvillians do not wish to give the City access to such sensitive data. Lacking a warrant requirement, the City's proposal to monitor its citizens in real time is unconstitutionally invasive.

Moreover, the City cannot assure us that it can protect this sensitive data. With growing regularity, even the most well-equipped private companies from Sony to Equifax have still faced hacks. The City has no institutional knowledge when it comes to cybersecurity of this magnitude. If done with scooter data, Nashvillians could see their most intimate data dumped into the public sphere. Nashville should not open itself up to the massive responsibility and liability that will follow the accumulation of this data.

The City's recent experience regulating homesharing should suggest caution here. As you are undoubtedly aware, a judge quickly found that the requirement to surrender homesharing records to the police was a likely violation of the Fourth Amendment. As a result, the City was forced to quickly enact an ordinance amending its records keeping provision.

We hope the City will be more aware of the well-grounded privacy and security concerns at the outset in this instance than it was with the original homesharing ordinance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Justin Owen", enclosed in a light blue rectangular box.

Justin Owen  
President & CEO  
Beacon Center of Tennessee

cc: Jon Cooper, Metro Nashville Director of Law  
Members of the Metro Council