Subcommittee on Cybersecurity and Privacy Minutes
July 22, 2019

Attendance

Subcommittee Members: David McMorries, Rick Blackwell, Kristine Cornett (alternate for David McMorries), Cheryl Hiemstra, Eliot Rose, Jeremiah Ross, Caleb Weaver


ODOT Staff: Paul Duncan, Ali Lohman

Welcome and Introductions

Subcommittee lead David McMorries welcomed the group and led introductions.

Review of Minutes from June 24 meeting

The subcommittee approved the minutes with the correction of a typo from the June 24 meeting. The minutes can be found here on the task force website.

Review of Draft Privacy Statements

Differential Privacy and Opt-In Options

McMorries summarized the memo he produced about differential privacy. The memo can be found here on the task force website.

Cheryl Hiemstra added that while opt-in privacy policies are better than opt-outs, they should not be seen as a gold standard in the field. She suggested that a fiduciary model, where any entity that collects and stores data about people has a duty to protect that data from theft or exposure, would represent a higher standard.

The subcommittee discussed enforcement mechanisms related to such a model, but recognized the need for further discussion in this area.

The subcommittee agreed to include in the memo language about a fiduciary system regarding data management and the need for further discussion around enforcement and accountability.

Rick Blackwell suggested that the beginning sentence of the memo emphasize individual privacy more strongly.

Hiemstra suggested including the principle of data minimization: only collecting and storing what data is absolutely necessary.
Eliot Rose offered his support for the principle of data minimization, but noted that the data needed or desired from automated vehicles may change unpredictably over time.

Blackwell suggested defining differential privacy.

**Location Data**

Eliot Rose summarized the memo he produced about location data. The memo can be found [here](#) on the task force website.

Rose explained that location data has two levels of concern: the general concern about how personal and revealing location data can be, and another layer of concerns specific to public agencies. These include obligations to comply with public records requests and law enforcement.

Rep. Susan McLain and Cheryl Hiemstra emphasized the importance of data privacy in relationships between public agencies and private partners.

The subcommittee agreed to present this memo at the next meeting of the full task force with citations and edits to create a brief recommendations section and provide more background about why location data can be sensitive.

**The Right to be Forgotten**

Cheryl Hiemstra summarized the memo she produced about the right to be forgotten. The memo can be found [here](#) on the task force website.

Hiemstra noted that the right to be forgotten aligns with other privacy practices and described some of the difficulties associated with its implementation.

Rose asked if the right to be forgotten applies to data that has been aggregated. McMorries and Hiemstra answered that the European Union’s General Data Protection Regulation (GDPR) specifies the elements of data that can be “forgotten” and contains sideboards about sufficiently anonymized data.

Rose said that third party entities may have a role in validating aggregation methods. Hiemstra and Jeremiah Ross expressed concerns about a third party with access to data.

The subcommittee agreed to include a line in the differential privacy memo about the elements that should be covered by a right to be forgotten framework and to present the memo on the right to be forgotten at the next meeting of the full task force, with the edit that the memo specify that entities other than companies can hold individuals’ data and be obligated to delete it.

**Public Comment**

There was no public comment.

**Next Steps**

Eliot Rose will revise the memo on location data.
ODOT staff will revise the memo on the right to be forgotten.

David McMorries will present the memos on location data and the right to be forgotten to be voted on in the July 25 meeting of the task force.

McMorries will revise the memo on differential privacy, and the subcommittee will review it in another meeting or a conference call meeting sometime after the July 25 meeting of the task force.

ODOT staff will provide a primer on the work of the Subcommittee on Land Use in preparation for the joint meeting with the Subcommittee on Land Use on August 14.