

Date: November 16, 2011  
W.I.: 1220  
Referred by: Operations Committee  
Revised: 06/07/12-ED      07/24/12-ED  
          10/19/12-ED      04/24/13-C  
          05/21/14-ED      11/12 /14-ED  
          01/03/17-ED

ABSTRACT

MTC Resolution No. 4040, Revised

This resolution updates and adopts MTC's privacy policies regarding the collection, use, and protection of personally identifiable information in connection with the Clipper® and 511 Programs.

Attachment B to this resolution was revised under Executive Director authority on June 7, 2012 to address the 511 Transit App.

Attachment B to this resolution was revised under Executive Director authority on July 24, 2012 to address third-party mobile applications and to update the name of the 511 Contractor.

Attachment A to this resolution was revised under Executive Director authority on October 19, 2012 to address third-party applications that access or make use of the Clipper® Website.

Attachment A to this resolution was revised by the Commission on April 24, 2013, to reduce the retention period for personal account information from seven years to four years and six months after an account is closed or terminated.

Attachment A to this resolution was revised under Executive Director authority on May 21, 2014 to make miscellaneous clarifying changes.

Attachment B to this resolution was revised under Executive Director authority on May 21, 2014 to delete Uses of FasTrak® Toll Tag Data, to update the name of the 511 Contractor and to make other clarifying edits.

Attachment A to this resolution was revised under Executive Director authority on November 12, 2014 to add definitions for travel pattern data and anonymous data, clarify how anonymous data is used, and make other general changes.

Attachment B to this resolution was revised under Executive Director authority on November 12, 2014 to address the 511 Transit Tracker tool and 511 Mobile Website and to make other general changes.

Attachment A to this resolution was revised under Executive Director authority on January 3, 2017 to identify additional Clipper® Participating Agencies, address the Clipper® mobile website and website usage metrics, and to make other clarifying changes.

Attachment B to this resolution was revised under Executive Director authority on January 3, 2017 to address the termination of MY 511 and the 511 Transit App, address Registered Developers, and to make other clarifying changes.

Further discussion of this resolution is contained in the Executive Director's memoranda dated October 28, 2011 and April 5, 2013.

Date: November 16, 2011

W.I.: 1220

Re: Approval of MTC's privacy policies regarding the collection, use, and protection of personally identifiable information in connection with the Clipper® and 511 Programs.

METROPOLITAN TRANSPORTATION COMMISSION  
RESOLUTION NO. 4040

WHEREAS, the Metropolitan Transportation Commission ("MTC") is the regional transportation planning agency for the San Francisco Bay Area pursuant to California Government Code section 66500 et seq.; and

WHEREAS, MTC is responsible for administering the Clipper® and 511 Programs under which agency staff and third party contractors may collect, maintain, and/or have access to the personally identifiable information ("PII") of the customers who use the programs; and

WHEREAS, in order to inform customers how their PII is collected, used, and protected, the MTC Operations Committee approved a Clipper® Privacy Policy in March 2006 and a 511 Privacy Policy in November 2007, both of which are posted on their respective websites; and

WHEREAS, MTC has since established an agency-wide Privacy Policy pursuant to Executive Director's Management Memorandum ("EDMM") No. 323, effective January 31, 2011; and

WHEREAS, EDMM No. 323 calls for the MTC Agencies (MTC, MTC SAFE, and BATA) to adopt privacy policies for operating programs that utilize customer PII, such as Clipper®, 511, and FasTrak®. Such privacy policies shall detail the type of PII that is collected, the categories of third-party persons or entities with whom MTC may share PII, the process by which a customer will be notified of any material changes to the privacy policy, the effective date of the privacy policy, and the process by which customers may review and request changes to their PII, and be posted on the applicable program websites; and

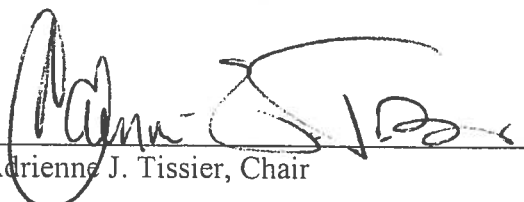
WHEREAS, pursuant to BATA Resolution No. 96, BATA has updated and adopted its privacy policy for the FasTrak® Program, consistent with EDMM No. 323; and

WHEREAS, MTC now wishes to update and adopt MTC's privacy policies for the Clipper® and 511 Programs so that they are compliant with EDMM No. 323 as well as substantially consistent in content; now, therefore, be it

RESOLVED, that MTC hereby adopts MTC Resolution No. 4040, which establishes MTC's privacy policies with respect to the collection, use and protection of PII relevant to the Clipper® and 511 Programs, as set forth in Attachments A and B to this Resolution, respectively; and be it further

RESOLVED, that the Executive Director may revise Attachments A and B as may be required from time to time due to changes in law, regulation or procedures relating to the Clipper® and/or 511 Program.

METROPOLITAN TRANSPORTATION COMMISSION



Adrienne J. Tissier, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on November 16, 2011.

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Revised: 10/19/12-ED  
04/24/13-C  
05/21/14-ED  
11/12 /14-ED  
01/03/17-ED

Attachment A  
MTC Resolution No. 4040  
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**Metropolitan Transportation Commission**  
**Clipper® Program Privacy Policy**  
**The effective date of this Privacy Policy is November 16, 2011**  
**Last updated January 3, 2017**

**Overview:**

The Metropolitan Transportation Commission (MTC) is committed to ensuring Clipper® customer privacy and security. Specifically: (1) MTC will not provide personally identifiable information (“PII”) from Clipper® accounts to any third party without express customer consent, except as described in the Privacy Policy; (2) PII from Clipper® accounts will never be provided to advertisers for their use; and (3) MTC will maintain a secure environment for customer PII.

This Privacy Policy is intended to provide an understanding of how MTC handles PII collected by the Clipper® Fare Payment System (FPS) program. Among other things, this policy explains the types of information collected from Clipper® customers; the third parties with whom MTC may share this information; and the process by which Clipper® customers are notified about material changes to this Policy.

MTC engages contractors to operate and maintain the Clipper® FPS program, including conducting Customer Service Center (CSC) activities, on behalf of MTC. These contractors are collectively referred to as the “Clipper® Contractors.” Clipper®’s Terms and Conditions (<https://www.clippercard.com/ClipperWeb/agreement.do>) notify customers that by enrolling in the Clipper® program and/or using the system, the customer is allowing MTC, the Clipper® Contractors, and other third parties referenced herein, to process personal information according to the provisions set forth in the Clipper® Cardholder License Agreement and this Privacy Policy.

**Definitions**

The following definitions apply:

**Personally Identifiable Information (PII):** PII identifies or describes a person or can be directly linked to a specific individual. Examples of PII include but are not limited to, a person's name, mailing address, business name, alternate contact information (if given), email address, fax numbers, Clipper<sup>®</sup> card serial number, telephone number, email address, bank account information, credit card number, security code and expiration date, photograph and Travel Pattern Data.

**Aggregate Data or Aggregate Information:** Aggregate Data or Aggregate Information is statistical information that is derived from collective data that relates to a group or category of persons from which PII has been removed. Aggregate Data reflects the characteristics of a large group of anonymous people. MTC may use Aggregate Data and provide Aggregate Data to others for such things as generating statistical reports for the purpose of managing the Clipper<sup>®</sup> program operations.

**Anonymous Data or Anonymous Information:** Anonymous Data or Anonymous Information is disaggregated data from which all PII has been removed, that does not identify or describe a person and that cannot be directly linked to a specific individual. MTC may use Anonymous Data for any of its statutorily-authorized purposes and may make Anonymous Data available to third parties.

**Travel Pattern Data:** Travel Pattern Data is information concerning an individual Clipper<sup>®</sup> user's trip start and end points, routes used, and date(s) and time(s) traveled. A Clipper<sup>®</sup> user's trip start and end points, routes used, and date(s) and time(s) traveled do not constitute Travel Pattern Data if such information (1) is dissociated from any specific individual to create Anonymous Data; or (2) is combined with other data to create Aggregate Data.

### **Collection of Personally Identifiable Information**

A Clipper<sup>®</sup> card may either be registered or unregistered. MTC, through the CSC, collects PII in order to register Clipper<sup>®</sup> cards with the Clipper<sup>®</sup> FPS. Examples of PII include a Clipper<sup>®</sup> cardholder's name, address, telephone number, email address, bank account information, credit card number and expiration date, photograph or other information that personally identifies a Clipper<sup>®</sup> cardholder. MTC obtains this PII from applications and other forms submitted by Clipper<sup>®</sup> cardholders to the CSC by telephone, mail, facsimile transmission or by electronic submission through the Clipper<sup>®</sup> website and from the Clipper<sup>®</sup> Participating Transit Agencies listed below who receive applications for Regional Transit Connection (RTC) Discount ID cards and manage institutional programs such as "AC Transit EasyPass" and "VTA Eco Pass." Travel Pattern Data is collected as a byproduct of the use of the Clipper<sup>®</sup> card in the Clipper FPS.

### **How MTC uses Personally Identifiable Information**

MTC uses the PII provided in order to process enrollments, manage accounts, respond to questions, send customer emails about Clipper<sup>®</sup> program updates, provide information regarding significant changes to this Privacy Policy, and otherwise communicate with Clipper<sup>®</sup> customers, but only after satisfying any applicable requirements of law, such as requirements to seek customer consent to receive certain types of communications.

PII is only utilized as described in this Privacy Policy.

### **Third Parties with Whom MTC May Share Personally Identifiable Information**

MTC may share PII with the Alameda-Contra Costa Transit District (AC Transit), the Golden Gate Bridge, Highway and Transportation District (Golden Gate Transit), the Peninsula Corridor Joint Powers Board (Caltrain), the San Francisco Bay Area Rapid Transit District (BART), the City and County of San Francisco, acting by and through its Municipal Transportation Agency (SFMTA), the San Mateo County Transit District (SamTrans), the Santa Clara Valley Transportation Authority (VTA), the San Francisco Bay Area Water Emergency Transportation Authority (WETA); Central Contra Costa Transit Authority; the City of Fairfield, as the operator of Fairfield and Suisun Transit; City of Petaluma; Eastern Contra Costa Transit Authority; Livermore/Amador Valley Transit Authority; Marin County Transit District; Napa Valley Transportation Authority; Solano County Transit; Sonoma County Transit; Vacaville City Coach; Western Contra Costa Transit Authority; and the City of Santa Rosa (collectively referred to herein, together with any other transit operators who may begin collecting fares through the Clipper<sup>®</sup> FPS, as Clipper<sup>®</sup> Participating Transit Agencies) for the purpose of operating and managing the Clipper<sup>®</sup> FPS. In addition, MTC and the Clipper<sup>®</sup> Participating Transit Agencies may disclose PII to the Clipper<sup>®</sup> Contractors or their other contractors, but only for the purpose of operating and maintaining the Clipper<sup>®</sup> FPS, such as managing patron accounts and revenue collection. These contractors are provided only with the PII they need to deliver the service. MTC requires its service providers to maintain the confidentiality of the PII and to use it only as necessary to carry out their duties under the Clipper<sup>®</sup> Program.

Besides these entities, PII will not be disclosed to any other third party without express customer consent, except as required to comply with laws or legal processes served on MTC or the Clipper<sup>®</sup> Contractors.

### **Retention of Personally Identifiable Information**

MTC, through the Clipper<sup>®</sup> Contractors, shall only store the PII of a Clipper<sup>®</sup> customer that is necessary to perform account functions such as billing, account settlement, or enforcement activities. All PII shall be discarded no later than four years and six months after the account is closed or terminated.

### **Security of Clipper<sup>®</sup> Personally Identifiable Information**

MTC is committed to the security of customer PII. PII provided by Clipper<sup>®</sup> customers is stored on computer servers that are located in secure, controlled facilities. Servers are designed with software, hardware and physical security measures in place to prevent unauthorized access.

Access to PII is controlled through the following administrative, technical, and physical security measures. By contract, third parties with whom MTC shares PII are also required to implement adequate security measures to maintain the confidentiality of such information.

Administrative:

- Access to PII is limited only to certain operations and technical employees for limited, approved purposes based on their specific work responsibilities.
- Privacy and security training is required for employees with access to PII, upon hire. In addition, regular periodic refresher training is required for those employees.

Technical:

- Clipper<sup>®</sup> network perimeters are protected with firewalls.
- Electronic storage of PII is encrypted.
- Electronic connections to and from the Clipper<sup>®</sup> website are encrypted.
- Vulnerability and penetration tests are conducted on the Clipper<sup>®</sup> system.
- Employees' use of Clipper<sup>®</sup> customer databases is monitored.

Physical:

- Physical access to MTC and Clipper<sup>®</sup> Contractor servers is restricted to authorized technical personnel.
- Data center access to approved technical personnel is restricted via passcode authentication, and other security protocols.

In addition to MTC's policies and procedures implementing PII security, the Clipper<sup>®</sup> customer must also do such things as safeguard passwords, PINs, and other authentication information that may be used to access a Clipper<sup>®</sup> account. Clipper<sup>®</sup> customers should not disclose authentication information to any third party and should notify MTC of any unauthorized use of their passwords. MTC cannot secure PII that is released by Clipper<sup>®</sup> customers or PII that customers request MTC to release. In addition, there is a risk that unauthorized third parties may engage in illegal activity by such things as hacking into MTC's security system or the security system of a Clipper<sup>®</sup> Contractor or by intercepting transmissions of personal information over the Internet. MTC is not responsible for any data obtained in an unauthorized manner, and MTC is the only entity that may authorize obtaining data from the Clipper<sup>®</sup> FPS.

Please note that unless the Clipper<sup>®</sup> customer initiates an inquiry or is logged into the secure Clipper<sup>®</sup> customer website, the Clipper<sup>®</sup> Contractors will never ask Clipper<sup>®</sup> customers to provide or confirm any information in connection with Clipper<sup>®</sup> such as credit card numbers, Clipper<sup>®</sup> card serial numbers, or other PII. If a customer ever has any doubt about the authenticity of an email regarding Clipper<sup>®</sup>, the customer should open a new web browser, type in <https://www.clippercard.com>, log into the customer's Clipper<sup>®</sup> account, and then perform the requested activity.



### **Account access and controls**

Creating an account with Clipper<sup>®</sup> is in the customer's discretion. The required account information consists of PII such as name, business name, mailing address(es), email address, telephone number, fax number, signature, and credit card number, expiration date and security code. MTC may request other optional information, such as alternate contact information, but, in such instances, clearly indicates that such information is optional.

Customers can review and update personal account information at any time. Customers are also able to modify, add, or delete any optional account information by signing into their Clipper<sup>®</sup> account and editing the account profile. Deletion of some account information, such as a customer's primary funding source may require contacting the CSC by telephone. PII can also be reviewed and edited online as discussed below under "Updating Personally Identifiable Information." Clipper<sup>®</sup> customers can close their account at any time by submitting a completed Clipper<sup>®</sup> Cancellation Form (available at [clippercard.com](http://clippercard.com)). All account information will be deleted no later than four years and six months after the account is closed or terminated.

### **Aggregate Data**

MTC may also combine the PII provided by Clipper<sup>®</sup> customers in a non-identifiable format with other information to create Aggregate Data that may be disclosed to third parties. Aggregate Data is used by MTC to improve the Clipper<sup>®</sup> program, to inform other MTC initiatives and for the marketing of Clipper<sup>®</sup>. Aggregate Data does not contain any information that could be used to contact or identify individual Clipper<sup>®</sup> customers or their accounts. For example, MTC may inform third parties regarding the number of Clipper<sup>®</sup> accounts within a particular zip code. MTC requires third parties with whom Aggregate Data is shared to agree that they will not attempt to make information personally identifiable, such as by combining it with other databases.

### **Anonymous Data**

MTC may also remove all PII from data developed as a byproduct of the use of the Clipper<sup>®</sup> FPS to create Anonymous Data that may be disclosed to third parties. MTC may use Anonymous Data for any of its statutorily-authorized purposes and may make Anonymous Data available to third parties. Anonymous Data does not contain any information that could be used to track, contact or identify individual Clipper<sup>®</sup> customers or their accounts. For example, MTC may share a dataset that includes information such as where and approximately when a sample of anonymous Clipper<sup>®</sup> users traveled on certain days in a given month. MTC requires third parties with whom Anonymous Data is shared to agree that they will not attempt to make information personally identifiable, such as by combining it with other databases or reverse engineering the data.

## **Clipper® Mobile Website**

The Clipper® mobile-optimized website can be found at [m.clippercard.com](http://m.clippercard.com). If a customer types in [clippercard.com](http://clippercard.com) using a phone or tablet, [clippercard.com](http://clippercard.com) will redirect the customer to [m.clippercard.com](http://m.clippercard.com).

When the customer accesses [m.clippercard.com](http://m.clippercard.com), location information, IP address, and other information may be collected by the mobile device's platform provider and/or the customer's data carrier. Before a customer accesses [m.clippercard.com](http://m.clippercard.com), he or she should review the terms of use and privacy policy of the customer's platform provider and data carrier to determine how they collect, use, and/or retain PII. MTC is not responsible for the terms of use or privacy policies of the platform providers or data carrier, or the use of PII, by such entities.

## **Website Usage Metrics**

The Clipper® websites use a third-party traffic measurement service called Google Analytics to gather and compute website usage metrics. Google Analytics collects customers' Internet Protocol (IP) addresses and the pages the users are visiting. MTC and its contractors use this information for such things as analyzing results of Clipper® marketing campaigns and making recommendations for website improvements, and may include such information as Aggregate Data in operational reports and presentations. Google Analytics may set a cookie that will enable it to function properly. To find out more about Google Analytics' privacy principles, visit the Google Analytics Privacy and Security Page at <https://support.google.com/analytics/answer/6004245?hl=en>.

## **Cookies**

The Clipper® websites ([clippercard.com](http://clippercard.com) and [m.clippercard.com](http://m.clippercard.com)) store "cookies" on the computer systems of users of the websites. Cookies are small data elements that a website can store on a user's system.

The cookies used by the Clipper® websites facilitate customer's use of the websites (e.g. remember login names and passwords until the session has ended). The Clipper® websites do not require that users of the websites accept these cookies. Customers may change their browser security settings to accept or reject cookies.

Once a patron leaves a Clipper® website, the privacy policy of other websites visited or linked-to from the Clipper® website should also be reviewed to understand how these external sites utilize cookies and how the information that is collected through the use of cookies on these websites is utilized.

MTC does not knowingly engage in business with any company or vendor that uses Spyware or Malware. MTC does not market detailed information collected from web sessions that can be directly tied to personal information. Further, MTC does not provide Clipper® customers with downloadable software that collects or utilizes any PII.

### **Third-Party Websites and Applications**

The Clipper® websites may contain links to third-party websites operated by entities that are affiliated with Clipper®. These web links may be referenced within content, or placed beside the names or logos of the other entities. In addition, third-party websites may exist that reference one or more of the Clipper® websites. MTC does not disclose PII to these third-party websites.

**WARNING: Once a patron enters external websites (whether through a service or content link or directly through a third-party website), MTC is not responsible for the privacy practices of those other websites.** Please review all privacy policies of external websites you may visit before using or providing any information to such other websites.

**In addition, MTC is not responsible for third-party applications that access or make use of the Clipper® websites or any features thereof (“Apps”). Before a Clipper® customer downloads or accesses Apps, he or she should review the terms of use and privacy policies of the Apps to determine how they collect, use, and/or retain PII. MTC is not responsible for the terms of use or privacy policies of Apps, or the use of PII by such Apps.**

### **Updating Personally Identifiable Information**

Certain PII can be reviewed and edited online at [clippercard.com](http://clippercard.com). The Clipper® website uses functions that have the ability to collect and store self-reported data. These functions enable Clipper® customers to revise, update or review information that has been previously submitted by going back to the applicable function, logging-in and making the desired changes. In addition to this method, customers may update their PII by telephoning the Clipper® Customer Service Center at 877.878.8883.

Complaints or problems regarding updating personal information should be submitted via the website. The Clipper® Customer Service Center will either resolve the issue or forward the complaint to an appropriate MTC staff member for a response or resolution. MTC strives to answer all queries within 48 business hours, but it may not always be feasible to do so.

If an adequate resolution is not received, please contact MTC's Privacy Officer at:  
Metropolitan Transportation Commission  
Attn: Privacy Officer  
375 Beale Street, Suite 800  
San Francisco, CA 94105  
Or email: [privacy.officer@mtc.ca.gov](mailto:privacy.officer@mtc.ca.gov)  
Or call: 415.778.6700

### **Changes to this Privacy Policy**

Material Changes – MTC will inform Clipper® customers if material changes are made to the Clipper® Program Privacy Policy, in particular, changes that expand the permissible uses or disclosures of PII allowed by the prior version of the Privacy Policy. If MTC makes material

changes to the Clipper<sup>®</sup> Privacy Policy, MTC will notify Clipper<sup>®</sup> customers by means of posting a conspicuous notice on the Clipper<sup>®</sup> website that material changes have been made.

Immaterial Changes - MTC may also make non-substantive changes to the Privacy Policy, such as those that do not affect the permissible uses or disclosures of PII. In these instances, MTC may not post a special notice on the Clipper<sup>®</sup> website.

If MTC decides to make any change to the Clipper<sup>®</sup> Privacy Policy, material or immaterial, MTC will post the revised policy on the Clipper<sup>®</sup> website, along with the date of any amendment.

MTC reserves the right to modify this Privacy Policy at any time, so the policy needs to be reviewed frequently by Clipper<sup>®</sup> customers.

When MTC revises the Privacy Policy, the "last updated" date at the top of the Privacy Policy will reflect the date of the last change. We encourage Clipper<sup>®</sup> customers to review this Privacy Policy periodically to stay informed about how MTC protects the security of PII collected for the Clipper<sup>®</sup> Program. Continued use of the Clipper<sup>®</sup> Program constitutes the customer's agreement to this Privacy Policy and any updates.

### **Emails Sent to MTC**

This Privacy Policy does not apply to the content of emails transmitted directly to MTC. Please do not send PII in an email directly to MTC in order to keep content or data private.

### **Contact information**

MTC welcomes comments on the Clipper<sup>®</sup> Privacy Policy. Also, if there are questions about this statement, please contact the MTC Privacy Officer at the address, email or phone number listed above.

### **History of Changes to Privacy Policy**

March 3, 2006	Privacy Policy Established
November 15, 2010	Revisions to Privacy Policy
November 16, 2011	Revisions to Privacy Policy
October 19, 2012	Revisions to address third-party applications that access or make use of the Clipper <sup>®</sup> Website.
April 24, 2013	Revisions to reduce retention period for personal account information from seven years to four years and six months after an account is closed or terminated.

May 21, 2014	Revisions to make miscellaneous clarifying changes.
November 12, 2014	Revisions to add definitions for travel pattern data and anonymous data, clarify how anonymous data is used, and make other general changes.
January 3, 2017	Revisions to identify additional Clipper <sup>®</sup> Participating Transit Agencies, address the Clipper <sup>®</sup> mobile website and website usage metrics, and to make other clarifying changes.

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Attachment B  
MTC Resolution No. 4040  
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**Metropolitan Transportation Commission**  
**511 Privacy Policy**

**The effective date of this Privacy Policy is November 16, 2011**  
**Last updated January 3, 2017**

**Overview:**

The Metropolitan Transportation Commission (MTC) is committed to ensuring 511 user privacy and security. Specifically: (1) MTC will not provide personally identifiable information (“PII”) from 511 users to any third party without express customer consent, except as described in the Privacy Policy; (2) PII from 511 users will never be provided to advertisers for their use; and (3) MTC will maintain a secure environment for customer PII.

This Privacy Policy is intended to provide an understanding of how MTC handles PII collected by the 511 Programs. Among other things, this policy explains the types of information collected from 511 users; the third parties with whom MTC may share this information; and the process by which 511 users are notified about material changes to this Policy.

MTC contracts with various contractors to operate and maintain 511. Collectively, these contractors are referred to in this 511 Privacy Policy as the “511 Contractors.” MTC oversees the 511 Contractors. 511’s Terms of Use (<http://511.org/terms/terms511/English>, <http://511.org/terms/terms511/spanish>, and <http://511.org/terms/terms511/chinese>) notify users that by using the 511 system, the user is allowing MTC, the 511 Contractors and other third parties referenced herein, to process PII according to the provisions set forth in 511’s Terms of Use and this Privacy Policy.

**Definitions**

The following definitions apply:

**Personally Identifiable Information (PII):** PII identifies or describes a person or can be directly linked to a specific individual. Examples of PII include but are not limited to, a person’s

name, mailing address, business name, alternate contact information (if given), email address, fax number, telephone number, and Travel Pattern Data.

**Travel Pattern Data:** Travel Pattern Data is information concerning a 511 user's trip start and end points, travel day(s) and time(s) of day.

**Aggregate Data or Aggregate Information:** Aggregate Data or Aggregate Information is statistical information that is derived from collective data that relates to a group or category of persons from which PII has been removed. Aggregate Data reflects the characteristics of a large group of anonymous people. MTC may use Aggregate Data for such things as generating statistical reports for the purpose of managing the 511 Programs. MTC may also provide Aggregate Data to third parties.

**511 Programs:** Services available on the 511 website and telephone service, including but not limited to, the 511 Regional Traveler Information Service and the 511 Regional Carpool Program.

**511 RideMatch Service (511 RMS):** The 511 RMS, which is part of the 511 Carpool Program, uses an interactive system to help 511 users find carpools, vanpools or bicycle partners. 511 RMS also allows users to track trips using the 511 Trip Diary.

**Registered Developer:** A Registered Developer is a person or entity that has registered for access, via Application Programming Interface (API) Token, to APIs and other data resources available at <http://511.org/developers>.

**API Token:** An API token is the form of authentication similar to a username/password that is granted through the 511 Developers webpage at <http://511.org/developers/list/tokens/create>. An API token is appended to subsequent API requests, and is stored in a database and verified on each request.

### **Collection of Personally Identifiable Information**

MTC collects PII for the 511 Programs, which may include a person's name, business or workplace name, mailing address(es), email address(es), telephone number(s), fax number(s), password, user name, and Travel Pattern Data. MTC obtains this PII from applications and other forms submitted by 511 users by telephone, mail, facsimile transmission or by electronic submission through 511.org. If a 511 user utilizes the 511 Transit Tracker tool and requests that his or her personalized Uniform Resource Locator (URL) with transit stop information be emailed to him or her, MTC does not retain the user's email address.

### **How MTC uses Personally Identifiable Information**

MTC uses the PII provided by customers to process enrollments, respond to questions, send customer-requested data via e-mails, and otherwise communicate with 511 users.

For the 511 RMS, MTC provides database participants' first and last names, email addresses, employer or school names, telephone numbers and the approximate geographic locations of trip start and end points to other members within the respective client database. This information is mailed via United States Postal Service on paper "matchlists," emailed, or provided online (during a registered user's account session) in response to a user's web- or phone-based request. Trip start and end points are provided as either the nearest cross streets or as points on a map showing the general location. Specific home or work addresses are not provided. PII is used only to facilitate carpool, vanpool or Bike Buddy matches and to provide information about products, services and campaigns that encourage the use of alternatives to driving alone. Additionally, database participants may receive e-mails or phone calls from 511 program administrators requesting participants to review and update their PII, to assist the formation or maintenance of carpools, vanpools, or Bike Buddy matches, and/or for program evaluation.

For Registered Developers utilizing the resources available at 511.org/developers, MTC uses PII to a) communicate with them about their API Tokens and to distribute news and updates on 511 APIs, b) determine their API usage, and c) restrict API usage based on predetermined usage quotas per user.

PII is only utilized as described in this Privacy Policy.

### **Third Parties with Whom MTC May Share Personally Identifiable Information**

MTC hires third party service providers (the 511 Contractors) for the purpose of operating the 511 Programs. 511 Contractors are provided only with the PII they need to deliver the service. MTC requires 511 Contractors to maintain the confidentiality of the information and to use it only as necessary to carry out their duties under the 511 Programs.

MTC also shares PII collected through the 511 RMS with other government-funded agencies that promote carpooling, such as the Bay Area Air Quality Management District, 511 Contra Costa, Commute.org, the San Francisco Department of the Environment, Solano/Napa Commuter Information, the Transportation Agency of Monterey County, the Association of Monterey Bay Area Governments, the Council of San Benito County Governments, and the Santa Cruz County Regional Transportation Commission.

MTC may also share PII contained in the 511 RMS with select employers. These select employers have been granted access to the 511 RMS because they wish to take a more active role in facilitating carpools and/or vanpools among their employees. As such, employers with access to the 511 RMS database only have access to PII for their employees.

In addition, comments and inquiries, which usually contain some PII such as name and e-mail address, may be shared with third parties for review, comment and/or action in order to appropriately respond to the specific concern. For example, comments and inquiries received by the 511 Regional Traveler Information Service that are related to services provided by other public agencies (e.g., transit agencies) are forwarded to those agencies for their response.



Likewise, a 511 Contractor may need to share the comment with a subcontractor, if necessary, to troubleshoot technical issues.

Besides these entities, PII will not be disclosed to any other third party without express customer consent, except as required to comply with laws or legal processes served on MTC.

### **Retention of Personally Identifiable Information**

MTC, through the 511 Contractors, shall only store the PII of a 511 user that is necessary to provide the requested service. All 511 Carpool Program PII shall be discarded no more than four years and six months from the date a registered user removes him/herself from the RMS, or is automatically (based on inactivity) or manually (at the registered user's request or other reason) removed from the system. All Registered Developers' PII shall be discarded immediately from the date a Registered Developer removes him/herself from the system, or is otherwise removed from the system. PII incorporated in customer comments shall be deleted no more than four years and six months after the comment has been addressed.

The MY 511 program terminated in June 2016. All MY 511 PII has been deleted from the MY 511 database, with the exception of email addresses for those MY 511 customers who then had active accounts and who had opted into receiving news about 511 via email, to allow them to continue receiving such communications. These email addresses shall be deleted no later than December 1, 2020, or earlier, at the request of the customer. Customers may make such a request by emailing [contact511@511.org](mailto:contact511@511.org).

### **Security of 511 Personally Identifiable Information**

MTC is committed to the security of participants' PII. MTC, together with the 511 Contractors, stores the PII provided by 511 users on computer servers that are located in secure, controlled facilities. Servers are designed with software, hardware and physical security measures in place to prevent unauthorized access.

Access to PII is controlled through the following administrative, technical, and physical security measures. By contract, third parties with whom MTC shares PII are also required to implement adequate security measures to maintain the confidentiality of such information.

#### Administrative:

- Access to PII is limited only to certain employees for limited, approved purposes based on their specific work responsibilities. Employees' use of 511 Carpool Program customer databases is limited via authentication and authorization mechanisms.
- Privacy and security training is required for employees with access to PII, upon hire. In addition, regular periodic refresher training is required for those employees.

Technical:

- 511 network perimeters are protected with firewalls.
- 511 systems are implemented to ensure PII is segregated from Aggregate Information.
- PII is stored in limited-access databases that require proper authentication and authorization for access.
- Electronic connections containing PII between the 511 RMS and/or Developers' web applications and a user's browser are fully encrypted using SSL (secure sockets layer) technology. User sign-up of 511 APIs is also encrypted.
- Program administrators cannot access user passwords; user passwords are one-way encrypted.

Physical:

- Physical access to MTC and 511 Contractors' servers is restricted to authorized technical personnel.
- Data center access to approved technical personnel is restricted via photo / passcode authentication, and other security protocols.

In addition to MTC's policies and procedures implementing PII security, the 511 user must also do such things as safeguard passwords, PINs, and other authentication information that may be used to access a 511 account. 511 users should not disclose authentication information to any third party and should notify MTC of any unauthorized use of their passwords. MTC cannot secure PII that is released by 511 users or PII that customers request MTC to release. In addition, there is a risk that unauthorized third parties may engage in illegal activity by such things as hacking into MTC's security system or the 511 Contractors' security systems or by intercepting transmissions of personal information over the Internet.

Please note that the 511 Contractors will never ask 511 users to provide or confirm any information in connection with 511 including PII, unless the customer is a subscriber to 511 services. If a 511 user ever has any doubt about the authenticity of an e-mail regarding 511, the user should either (1) open a new web browser, log into the 511 user's account, and then perform the requested activity or (2) contact 511, by sending a message via the 511.org suggestion form (<http://511.org/feedback>) to verify the purpose and authenticity of the message.

**Account access and controls**

Creating an account with 511 is in the customer's discretion. The required account information consists of PII such as name, business or workplace name, mailing address(es), email address, telephone number, user name, password, and trip start and end points. MTC may request other

optional information, such as alternate contact information, but, in such instances, clearly indicates that such information is optional.

Customers can review and update personal account information at any time. PII can be reviewed and edited online as discussed below under “Updating Personally Identifiable Information.” 511 users can close their 511 RMS accounts or cancel their API Tokens at any time online. For 511 RMS accounts, all account information will be deleted no later than four years and six months after the date a 511 registered user removes him/herself from the system, or is automatically (based on inactivity) or manually (at the registered user’s request or other reason) removed from the system. In the case of API Tokens, all user information will be deleted upon cancellation.

### **Aggregate Data**

MTC may also combine the PII provided by 511 users in a non-identifiable format with other information to create Aggregate Data that may be disclosed to third parties. Aggregate Data is used by MTC to improve the 511 program and for marketing 511. Aggregate Data does not contain any information that could be used to contact or identify individual 511 users or their accounts. For example, MTC may inform third parties regarding the number of 511 accounts within a particular zip code. MTC requires third parties with whom Aggregate Data is shared to agree that they will not attempt to make information personally identifiable, such as by combining it with other databases.

### **Cookies**

The 511 website ([www.511.org](http://www.511.org)) stores “cookies” (small data elements) on users’ computers. The 511 website uses cookies to facilitate customer website use (e.g. remember login names and passwords until the session ends). The 511 website does not require users to enable cookies in order to use the 511 website. Users may change their browser security settings to accept or reject cookies..

511 website users should review the privacy policies of websites they may visit or link to from 511.org to understand how these external sites utilize cookies and how the information is collected by these cookies.

MTC does not knowingly engage in business with any company or vendor that uses Spyware or Malware. MTC does not market detailed information collected from web sessions that can be directly tied to personal information. Further, MTC does not provide 511 users with downloadable software that collects or utilizes any PII.

### **511 Trip Planner Location Information**

511.org was developed by a 511 Contractor. When a 511 user accesses 511.org, the user may enable his or her Global Positioning System location information (“location information”) to be used by the 511 Trip Planner, which will allow the user’s location to be utilized when he or she

requests trip planning information. This feature can be disabled or enabled on the user's mobile device or browser. When the user accesses 511.org, the 511 Contractor collects the user's device's Internet Protocol (IP) address, the time and date of the request and, if the user has authorized the use of location information, the longitude and latitude at the time of the request is utilized to serve a specific trip plan. This location information may also be stored in the browser cache for recent trips. The browser cache may be cleared by the user at any time.

In addition, location information, IP address, and other information may be collected by the mobile device's platform provider and/or the user's data carrier. Before a 511 user accesses 511.org, he or she should review the terms of use and privacy policy of the user's platform provider and data carrier to determine how they collect, use, and/or retain PII. MTC is not responsible for the terms of use or privacy policies of the platform providers or data carriers, or the use of PII, by such entities.

### **Third-Party Websites and Applications**

511.org contains links to third-party websites and mobile applications ("Apps") operated by entities that are affiliated with 511. These web links may be referenced within content, or placed beside the names or logos of the other entities. In addition, other third party websites or Apps may exist that make use of 511 services or reference 511.org. MTC does not disclose PII to these third-party websites or Apps.

**WARNING: Once a 511 user enters external websites and/or downloads Apps (whether through a service or content link or directly through a third-party website) MTC is not responsible for the privacy practices of those websites or Apps or the use of PII, including location information, by such websites or Apps. Before a 511 user downloads or accesses such external websites or Apps or provides any information to them, he or she should review the terms of use and privacy policies of those third-party websites or Apps to determine how they collect, use, and/or retain PII.**

### **Updating Personally Identifiable Information**

PII can be reviewed and edited online. 511.org uses functions that have the ability to collect and store self-reported data. These functions enable 511 users to revise, update or review previously submitted information by going back to the applicable function, logging-in and making the desired changes.

Complaints or problems regarding updating personal information should be submitted via the Feedback Form on 511.org. The 511 Contractors will either resolve the issue or forward the complaint to an appropriate MTC staff member for response or resolution. MTC strives to answer all queries within five business days, but it may not always be feasible to do so.

If an adequate resolution is not received, please contact MTC's Privacy Officer at:

Metropolitan Transportation Commission  
Attn: Privacy Officer  
375 Beale Street, Suite 800  
San Francisco, CA 94105  
Or e-mail: [privacyofficer@mtc.ca.gov](mailto:privacyofficer@mtc.ca.gov)  
Or call: 415-778-6700

### **Changes to this Privacy Policy**

**Material Changes** – If MTC makes material changes to the 511 Privacy Policy, MTC will notify 511 customers by means of posting a conspicuous notice on 511.org that material changes have been made.

**Immaterial Changes** - MTC may also make non-substantive changes to the Privacy Policy, such as those that do not affect the permissible uses or disclosures of PII. In these instances, MTC may not post a special notice on 511.org.

If MTC decides to make any change to the 511 Privacy Policy, material or immaterial, MTC will post the revised policy on 511.org, along with the date of any amendment.

MTC reserves the right to modify this Privacy Policy at any time, so the policy needs to be reviewed frequently by 511 users.

When MTC revises the Privacy Policy, the "last updated" date at the top of the Privacy Policy will reflect the date of the last change. We encourage 511 users to review this Privacy Policy periodically to stay informed about how MTC protects the security of PII collected for the 511 Program. Continued use of the 511 Program constitutes the customer's agreement to this Privacy Policy and any updates.

### **Emails Sent to MTC**

This Privacy Policy does not apply to the content of e-mails transmitted directly to MTC. Please do not send PII in an email directly to MTC, if you want to keep content or data private.

### **Contact information**

MTC welcomes your comments on the 511 Privacy Policy. For questions about this statement, please contact the MTC Privacy Officer at the address, email or phone number listed above.

### **History of Changes to Privacy Policy**

November 2, 2007	Privacy Policy Established
November 16, 2011	Revisions to Privacy Policy
June 7, 2012	Revisions to address 511 Transit App

- July 24, 2012 Revisions to address other Mobile Applications that use 511 services and to update name of 511 Contractor.
- May 21, 2014 Revisions to delete Uses of FasTrak® Toll Tag Data as the 511 Driving Times service no longer uses toll tag data, to update name of 511 Contractor and to make other clarifying edits.
- November 12, 2014 Revisions to address the 511 Transit Tracker tool and 511 Mobile Website and to make other general changes.
- January 3, 2017 Revisions to address the termination of MY 511 and the 511 Transit App, to address Registered Developers, and to make other clarifying changes.