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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking on Regulations Relating to Passenger Carriers, Ridesharing, and New Online-Enabled Transportation Services.

Rulemaking 12-12-011

**ASSIGNED ADMINISTRATIVE LAW JUDGE'S RULING  
ON UBER TECHNOLOGIES, INC.'S AND LYFT'S  
MOTION FOR CONFIDENTIAL TREATMENT OF  
CERTAIN INFORMATION IN THEIR 2020 ANNUAL REPORTS**

**Summary**

This *Ruling* grants, in part, the requests from Uber Technologies, Inc. (Uber) and Lyft, Inc. (Lyft) for confidential treatment of certain information in their 2020 Annual Reports. Appendices A and B to this Ruling provide a detailed response to each category of information that Uber and Lyft asked the Commission to treat as confidential.

**1. Background**

In accordance with Decision (D.) 20-03-014, Uber and Lyft (sometimes referred to collectively as Moving Parties) filed their respective motions for confidential treatment of certain information in their 2020 Annual Reports.<sup>1</sup> While Moving Parties appreciate the Commission's desire for transparency in its regulation of entities subject to the Commission's jurisdiction, they claim that

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<sup>1</sup> Lyft's Motion is entitled *Motion for Confidential Treatment of Certain Information in its 2020 Annual Report*. Uber's Motion is entitled *Motion for Leave to File Confidential Information under Seal*. While the two titles are not identical, both *Motions* seek the same relief.

there are laws in place that are designed to protect the granular detailed information that they must include in their Annual Reports from public disclosure.<sup>2</sup>

On July 2, 2020, The San Francisco Municipal Transportation Agency, San Francisco County Transportation Authority, San Francisco City Attorney's Office, and the San Francisco International Airport filed a Response opposing Moving Parties' Motions.

On July 17, 2020, Moving Parties filed their Replies.

## **2. Applicable Laws Regarding Confidential Treatment of Information Provided to the Commission**

D.20-03-014 requires that any claim for confidential treatment of information provided to the Commission must be justified with particularized references to the type of information sought to be shielded from public disclosure, the law that supports the claim of confidentiality, and a declaration under penalty of perjury that sets forth the factual justification with the requisite granularity.<sup>3</sup> D.20-03-014's strict evidentiary showing to substantiate a claim of confidentiality is derived from and reflects California's strong public policy favoring access to government records. The California Constitution's mandate

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<sup>2</sup> Lyft's Motion, at 3-10, referencing, *inter alia*, General Order 66-C; General Order 66-D; Pub. Util. Code §§ 583, 5412.5; Government Code §§ 6252(e), 6254(c), 6254(f), 6254(k); *American Civil Liberties Union Foundation v. Superior Court* (2017) 3 Cal5th 1032; *Los Angeles Unified School District v. Superior Court* (2014) 228 Cal.App.4th 222; *Black Panther Party v. Kehoe* (1974) 42 Cal.App.3d 645; *Patel v. City of Los Angeles* (9th Cir. 2013) 1058; *Airbnb, Inc. v. City of New York* (S.D.N.Y. 2019) 373 F.Supp.3d 467; and *Airbnb, Inc. v. City of Boston* (D. Mass. 2019) 386 F.Supp.3d 113. Uber's Motion, at 1-4, and 7, footnotes 7-10, citing similar authorities and *City of Los Angeles, California v. Patel* (2015) 135 S.Ct. 2443, 192 L.Ed.2d 435; *Opperman v. Path, Inc.* (N.D. Cal. 2016) 205 F.Supp.3d 1064; and *Carpenter v. United States* (2018) 138 S.Ct. 2206, 201 L.Ed.2d 507.

<sup>3</sup> D.20-03-014, Ordering Paragraph 2.

provides that the public has the right to access most Commission records.

Cal. Const. Article I, § 3(b)(1) states:

The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.<sup>4</sup>

The California Public Records Act (CPRA) requires that public agency records be open to public inspection unless they are exempt from disclosure under the provisions of the CPRA.<sup>5</sup> The Legislature has declared that “access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.”<sup>6</sup>

The CPRA requires the Commission to adopt written guidelines for access to agency records, and requires that such regulations and guidelines be consistent with the CPRA and reflect the intention of the Legislature to make agency records accessible to the public.<sup>7</sup> GO 66-D, effective January 1, 2018, constitutes the Commission’s current guidelines for access to its records, and reflects the intention to make Commission records more accessible.<sup>8</sup> GO 66-D also sets forth the requirements that a person must comply with in requesting confidential treatment of information submitted to the Commission. D.20-03-014 made clear that a person submitting information to the Commission must satisfy

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<sup>4</sup> See e.g., *International Federation of Professional & Technical Engineers, Local 21, AFL-CIO v. Superior Court* (2007) 42 Cal.4th 319, 328-329.

<sup>5</sup> See *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363, 370. (“The Public Records Act, Section 6250 *et seq.*, was enacted in 1968 and provides that “every person has a right to inspect any public record, except as hereafter provided.” (§ 6253, subd. (a).)

<sup>6</sup> Government Code § 6250.

<sup>7</sup> Government Code § 6253.4(b).

<sup>8</sup> See D.17-09-023, at 11-12, 14.

the requirements of GO 66-D to substantiate a claim for confidentiality treatment of information.<sup>9</sup>

This *Ruling* applies the forgoing legal standards to Moving Parties' claims for confidential treatment for certain information contained in their 2020 Annual Reports.

### **3. Discussion: Claims for Confidential Treatment**

#### **a. Trip Location Data**

Moving Parties assert that geolocation data from a particular trip (*i.e.* date and time, latitude, longitude, census block and zip code of both the driver and rider; when the rider is picked up and dropped off; when the driver's app is turned on or the last rider dropped off; time a trip request was made; and when the trip request was accepted on the TNC's app) is protected from public disclosure under Government Code § 6254(k)'s exemption for "files, the disclosure of which would constitute an unwarranted invasion of personal privacy," and 6254(k)'s exemption for "records, the disclosure of which is exempted or prohibited pursuant to federal or state law."<sup>10</sup> Uber further references California Consumer Privacy Act to demonstrate that any data that "identifies, relates to, describes, is capable of being associated with, or could reasonably be linked, directly or indirectly, with a particular consumer" is personal data.<sup>11</sup> Uber concludes that since this geolocational data can be manipulated to identify an individual who took a TNC trip, the data is entitled to privacy under the Government Code and Consumer Privacy Act.

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<sup>9</sup> D.20-03-014 at 23.

<sup>10</sup> Uber's *Motion*, at 5-10; Lyft's *Motion*, at 25-31.

<sup>11</sup> Uber's *Motion*, at 6.

This *Ruling* agrees with Moving Parties with respect to the latitude and longitude of both the driver and rider of a particular TNC trip. There is support for the proposition that this information might be engineered to identify the exact starting and ending addresses of a trip, which can then be combined with other information to identify a driver and/or passenger. While it is also true that the starting or ending point of a trip may not always originate or end at the rider's home (*e.g.* the rider may be starting his/her trip from or heading to a friend's house or a commercial establishment), the fact remains some of these ride requests will originate or end at the rider's home. On balance, then, the latitude and longitude information should be protected from public disclosure.

But this *Ruling* disagrees with Moving Parties' request that the balance of the geolocational data (date and time, census block and zip code of both the driver and rider; when the rider is picked up and dropped off; when the driver's app is turned on or the last rider dropped off; time a trip request was made; and when the trip request was accepted on the TNC's app) should be treated as confidential and redacted from the public version of the 2020 Annual Reports. Moving Parties have failed to make the necessary granular showing how this geolocational data, either individually or in combination, could lead to the identification of a particular driver or customer. Uber claims that "[i]n the hands of a sophisticated party, disaggregated trip data can still reveal information about individual riders[.]"<sup>12</sup> Yet if latitude and longitude information is protected, Moving Parties do not demonstrate that the balance of the geolocational data will reveal a driver's or rider's identity. Moving Parties also cite to a series of research papers and reports showing the manipulation of

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<sup>12</sup> Uber's *Motion*, at 7.

anonymized data sets can, with a high probability, reveal individual identifications.<sup>13</sup> But they fail to demonstrate that any of these research papers and reports used the same geolocational data that Moving Parties must provide in an unredacted form.

Nor is Moving Parties' position bolstered by Uber's reliance on the work performed by its client, Privacy Analytics, Inc. (PAI), whom Uber claims it retained to review the re-identification risk associated with the sharing of the data provided in Uber's Annual Reports publicly.<sup>14</sup> In its report entitled *An Evaluation of Re-identification Risks for Uber's California Public Utilities Commission Dataset (Evaluation)*, PAI concludes that after studying the data set that Uber provided, the "re-identification risk for Uber riders and drivers in the dataset was high."<sup>15</sup> Yet PAI's conclusion is based, in part, on the assumption that trip identifier numbers and vehicle identification numbers, which PAI classified as the two direct identifiers, would be provided to the public and are key "to other publicly available databases and could easily be used to identify a rider or driver."<sup>16</sup> Now that the trip identifier numbers and vehicle identification numbers will be redacted in the public version of the 2020 Annual Reports, one of PAI's primary sources of concern has been addressed.

But PAI also argues that other data fields (dates, times and GPS locations for the start and end of a trip), which it refers to as quasi-identifiers, can also be used individually or in combination with other data to re-identify a rider or

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<sup>13</sup> Uber's *Motion*, at 7-8. Lyft's *Motion*, at 27, footnotes 144-147.

<sup>14</sup> PAI's findings are attached as Exhibit 1 to the Declaration of Uttara Sivaram (Sivaram Decl.).

<sup>15</sup> *Evaluation*, at 1.

<sup>16</sup> Sivaram Decl., at 5.

driver.<sup>17</sup> It suggests the alternative strategy of delivering aggregate-level data from a Commission dataset, reasoning that there are “precedents for minimum acceptable size for an aggregate count (*i.e.*, cell size) exist and often range from 11 to 20 individuals when data has detailed information, or publicly shared.”<sup>18</sup>

This *Ruling* rejects the request that quasi-identifier information should also be redacted because PAI’s analysis is too speculative. First, PAI speaks of a “high risk of reidentification” but that threshold is too difficult to measure because of its uncertainty. In the Qualifications and Limitations portion of the *Evaluation*, the authors state that “to the best of our knowledge” we have applied generally accepted statistical and scientific principles. This qualification is troubling as it does not meet the exacting standards that the Commission adopted in D.20-03-014 to justify a confidentiality claim since supporting declarations are supposed to be prepared with personal knowledge and under penalty of perjury.<sup>19</sup> Second, it is unclear what are the generally accepted statistical and scientific principals and why they are appropriate for evaluating the data required by the Annual Reports. Third, PAI’s risk determination is based on information Uber provided, assumptions that Uber has determined are reasonable, and is subject to “all the terms and limitations set forth in the Engagement Letter between uber and [PAI]. With so many professional qualifiers, it is difficult to place much credence in the conclusions that PAI has reached regarding the possibility of re-identification.

Uber’s reliance on the Sivaram Declaration is equally unpersuasive. While it is executed under penalty of perjury, it contains a lack of personal knowledge.

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<sup>17</sup> *Evaluation*, at 1.

<sup>18</sup> *Evaluation*, at 5.

<sup>19</sup> D.20-03-014, Ordering Paragraph 2.h.

Instead, the Declarant summarizes the PAI *Evaluation* without adding any personal knowledge to demonstrate that PAI's questionable findings are true.<sup>20</sup> Moreover, one of the main concerns raised in the Sivaram Declaration is the potential harm from the disclosure of "latitude and longitude coordinates of individual trips,"<sup>21</sup> which this *Ruling* finds may be treated as confidential. As such, the Sivaram Declaration does not contain any personal knowledge and facts to demonstrate that the balance of the geolocation data, individually or combined, contain a high risk of re-identification if the data were manipulated.

In sum, Moving Parties have failed to establish that the disclosure of the balance of the geolocational information would constitute the "unwarranted invasion of personal privacy" contemplated by Government Code § 6254, the Consumer Privacy Act, or would be precluded from disclosure by either federal or state law.

**b. Driver User Data**

**i. Driver Personal Information**

Moving Parties argue that the driver's personal information (*i.e.* driver's first and last name, middle initial, type of identification, the driver's driver license state of issuance, number, expiration date, and VIN of the vehicle) should be treated as confidential.<sup>22</sup> This *Ruling* agrees with that request.

**ii. Driver Use Information**

Moving Parties argue that driver use information (*i.e.* the days a particular driver has used the App, the day, month and year a driver's hours were reported on trips referred through the App, the number of hours a driver logged onto the

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<sup>20</sup> Sivaram Decl., at 4, 5, and 6.

<sup>21</sup> Sivaram Decl., at 4.

<sup>22</sup> Uber's *Motion*, at 10-12. Lyft's *Motion*, at 11-14.



App for the day in using the App, mean and median hours and miles a driver logged on trips referred through the App, total hours and miles a driver logged on or drove for the month using the App, and total miles driver on trips referred through the App) should be treated as confidential because this information allegedly falls with Government Code § 6254(k)'s exemption for "files, the disclosure of which would constitute an unwarranted invasion of personal privacy."<sup>23</sup> Moving Parties assert that this data would reveal the precise hours and days when a specific driver is driving, potentially exposing drivers to criminals who could use the data to track drivers' movements and target their homes, particularly when cross-referenced with protected geolocation data.<sup>24</sup>

But with the qualifications noted herein, this *Ruling* rejects the request to treat driver use information as confidential. The Sivaram Declaration specifically references the need to protect what are termed direct identifiers: trip identifier numbers and vehicle identification numbers. This *Ruling* agrees that these two data fields can be treated as confidential. As for what the Sivaram Declaration calls quasi-identifiers (*i.e.* dates, times, GPS locations for start and end of a trip), the Declaration contains no credible facts to support the certainty that they can be used individually or in combination with other data to re-identify a rider or driver.

**c. Complaint and Accident Information**

**i. Assaults and Harassment**

Moving Parties argue that information regarding assaults and harassment (*i.e.* the date, time, type and description of the alleged sexual on non-sexual assault or harassment, and the latitude, longitude, zip code, and census block

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<sup>23</sup> Uber's *Motion*, at 11. Lyft's *Motion*, at 23-30.

<sup>24</sup> Uber's *Motion*, referencing Sivaram Decl., at 4-5.

location of the alleged sexual or non-sexual assault or harassment) should be treated as confidential.<sup>25</sup> This *Ruling* agrees that latitude and longitude information regarding all assaults and harassments should be confidential. This *Ruling* also agrees that descriptions of alleged sexual assaults or sexual harassments should be treated as confidential.

But this *Ruling* rejects the request that the balance of the information should be treated as confidential because Moving Parties fail to establish that the public dissemination of this information would constitute an unwarranted invasion of personal privacy. For example, Uber asserts that a rider lodging a complaint of a non-sexual nature is doing so with “the expectation of privacy and confidentiality,” but there is no credible evidence set forth in the Motion or in the supporting declarations to substantiate such an assertion.

**ii. Other Complaints**

Moving Parties argue that information regarding other complaints (*i.e.* the date, time, and description of zero tolerance incidents, associated waybill number of trip, the type of incident/accident, and identification of other parties involved and the party that led to the accident, and details regarding the resolution of complaints, including: the amount paid by any party involved in accident, any amount paid by a drivers of TNC’s insurance, claims as to what caused the accident, date and time of the accident, who was found guilty in criminal court or civilly liable, and who was cited or ticketed) should be treated as confidential.<sup>26</sup> This *Ruling* agrees that the amounts paid by any party involved in an accident and any amount paid by the driver’s or the TNC’s

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<sup>25</sup> Uber’s *Motion*, at 12-13. Lyft’s *Motion*, at 16-23.

<sup>26</sup> Uber’s *Motion*, at 13-15. Lyft’s *Motion*, at 16-23.

insurance may be treated as confidential. As Moving Parties correctly point out, incidents may be resolved by entering into a settlement agreement without admitting liability, and the sums paid may be confidential to facilitate a resolution that avoids the cost of litigation. Also, if the details regarding the resolution of a complaint are part of a confidential settlement agreement, or if a court seals the record of the proceeding, they may also be treated as confidential.

This *Ruling* rejects Moving Parties' argument that the balance of the Other Complaints' information should be treated as confidential and protected from disclosure as the argument is factually baseless. For example, a finding of criminal or civil liability in court is a matter of public record, and the court pleadings filed in a particular proceeding would include the date and time of the incident, the type of incident, parties involved in the incident, details regarding the resolution (assuming it was not resolved confidentially), and who was cited or ticketed. There is no credible justification for treating this information as confidential, save for the limited instance in which the court orders the record sealed.

Uber's additional argument that the information required by the Annual Reports must also be included in confidential Loss Reports required by its liability insurers is not persuasive.<sup>27</sup> In rejecting Uber's argument, this *Ruling* draws a distinction between the actual Loss Reports and non-confidential information that gets included in the Loss Reports. The Annual Reports do not require Uber, or any other TNC, to produce its Loss Reports. Instead, the Annual Reports require the production of information concerning incidents which is not confidential. Such non confidential information does not become confidential

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<sup>27</sup> Declaration of Amy Wagner, at 3-6.

because it is transferred into a document that is then transmitted in confidence to a third party. California law recognizes this same principle in the context of the assertion of the attorney client privilege regarding information in an incident or accident report. The privilege “only protects disclosure of communications between the attorney and the client; it does not protect disclosure of underlying facts which may be referenced within a qualifying communication.” (*State Farm Fire & Casualty Co. v. Superior Court* (1997) 54 Cal.App.4th 625, 639.)

Furthermore, “documents prepared independently by a party, including witness statements, do not become privileged communications or work product merely because they are turned over to counsel.” (*Wellpoint Health Networks, Inc. v. Superior Court* (1997) 59 Cal.App.4th 110, 119.) By that same rationale, then, the underlying facts that become part of a Loss Report do not become confidential simply because they are transmitted in what Uber terms a confidential Loss Report.

#### **d. Problems with Drivers**

This *Ruling* rejects Lyft’s argument that reports of problems with drivers should be treated as confidential and protected from disclosure pursuant to Government Code §§ 6254(c) (similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy) and 6254(f) (investigatory or security files compiled by the Commission for licensing purposes).<sup>28</sup> The information responsive to this category can be provided without providing the driver’s unique identification or vehicle identification number. The remaining geolocational information can be provided because it

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<sup>28</sup> Lyft’s *Motion*, at 19-20, and Declaration of Brett Collins (Collins Decl.), at 16.

does not identify a specific driver by name. Thus, the privacy concerns contemplated by Government Code §§ 6254(c) and (f) are not implicated.

**e. Accessibility Reports**

Moving Parties claim that information required about accessibility is confidential and that the public dissemination of this information would place them at a competitive disadvantage.<sup>29</sup> This *Ruling* has reviewed the arguments and finds that Moving Parties have raised similar arguments that the Commission rejected on November 5, 2020 in Resolution ALJ-388-*Resolution Denying the Appeals by Uber Technologies, Inc. and Lyft, Inc. of the Consumer Protection and Enforcement Division's Confidentiality Determination in Advice Letters 1, 2, and 3*. The Resolution found that Uber and Lyft failed to meet their burden of demonstrating that information regarding wheelchair accessibility was either trade secret or protected from disclosure on any confidentiality grounds.<sup>30</sup> This *Ruling*, therefore, incorporates by reference the conclusions and determination made in Resolution ALJ-388 and applies them herein to reject Moving Parties claims that the wheelchair accessibility information required by the Annual Reports should be redacted. The only exception would be if there were court complaints arising out of an accessibility matter where a confidential settlement was reached or a court sealed the record.

**4. Discussion: Trade Secret Information**

Moving Parties assert that certain information in their 2020 Annual Reports is exempt from disclosure under the California Uniform Trade Secret Act (CUTSA), pursuant to Government Code § 6254(k) and Evidence Code § 1060.<sup>31</sup>

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<sup>29</sup> Lyft's *Motion*, at 14-16, and Collins Decl., at 9-12. Sivaram Decl., at 7.

<sup>30</sup> Resolution, Conclusions of Law 3-6, Ordering Paragraphs 1 and 2.

<sup>31</sup> Lyft's *Motion*, at 21, citing to Collins Decl., at 16.

Government Code § 6254(k) provides an exemption for “[r]ecords, the disclosure of which is exempted or prohibited by federal or state law including, but not limited to, provisions of the Evidence Code relating to privilege.” Evidence Code § 1060 provides that the holder of a trade secret has the privilege to refrain from disclosing a trade secret unless doing so would conceal fraud or otherwise work injustice.

“Trade secret” is defined in California Civil Code § 3426.1(d), which falls within the CUTSA, as follows:

“Trade secret” means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

- (1) Derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use; and
- (2) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Thus, to be a trade secret, the information must consist of a compilation, that derives independent economic value, and is not generally known to the public.

Uber asserts that their Annual Reports contain trade secret information that falls into one of three categories: (1) product information; (2) driver information; and (3) trip data. It claims that through their technology platform they collect data regarding each trip taken and use that data for various business purposes, including developing the optimum ways to help drivers and riders connect, to improve technology, and to provide incentives to improve the driver and rider experience.<sup>32</sup>

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<sup>32</sup> Uber’s *Motion*, at 18.

As a preliminary observation, this *Ruling* questions if the trade secret privilege should even be applicable to prevent this public dissemination of any portion of the Annual Reports. Under Civil Code § 3426.1(d), trade secret “means information, including a formula, pattern, compilation, program, device, method, technique, or process....” In D.16-01-014, the Commission found that a common thread between these types of information is that “it is something that the party claiming a trade secret has created, *on its own*, to further its business interest:”<sup>33</sup>

While it is true that the word ‘information’ has a broad meaning, trade secrets usually fall within one of the following two broader classifications: first, technical information (such as plans, designs, patterns, processes and formulas, techniques for manufacturing, negative information, and computer software); and second, business information (such as financial information, cost and pricing, manufacturing information, internal market analysis, customer lists, marketing and advertising plans, and personnel information). The common thread going through these varying types of information is that it is something that the party claiming a trade secret has created, on its own, to further its business interests.

Moreover, courts have distinguished between trade secret information versus other secret information:<sup>34</sup>

It [trade secret] differs from other secret information in a business . . . in that it is not simply information as to single or ephemeral events in the conduct of the business, as, for example, the amount or other terms of a secret bid for a

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<sup>33</sup> D.16-01-014, at 105, italics added.

<sup>34</sup> See *Cal Francisco Investment Corp. v. Vrionis* (1971) 14 Cal.App.3d 318, 322 (citing Restatement, Torts, Section 757, comment (b)).

contract or the salary of certain employees, or the security investments made or contemplated, or the date fixed for the announcement of a new policy or for bringing out a new model or the like. A trade secret is a process or device for continuous use in the operation of the business. Generally it relates to the production of goods, as, for example, a machine or formula for the production of an article.

Courts have generally found a “compilation” to be a trade secret when information is grouped together in a unique, valuable way, even though the discrete elements that make up the compilation would not qualify as a separate trade secret.<sup>35</sup> Thus, the mere fact that Moving Parties possess a set of information and group that information for the purposes of complying with a Commission decision or a directive from Commission staff does not transform that information into a trade secret “compilation.”

Indeed, the Commission previously rejected similar claims by Uber’s California subsidiary, Rasier-CA, LLC (Uber-CA) in D.16-01-014, where Rasier-CA attempted to argue that consumer data reported pursuant to a Commission order was a compilation trade secret. There, the Commission found that Rasier-CA’s “compilation” of trip data “put together at the behest of the Commission” was not a trade secret:

First, the type of consumer data compilations that have been accorded trade secret status are ones that contain client names, addresses and phone numbers that have been acquired by lengthy and expensive efforts (*See MAI Sys. Corp. v. Peak*

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<sup>35</sup> *See, e.g., Morlife, Inc. v. Perry* (1997) 56 Cal.App.4th 1514, 1523 (finding that a detailed customer list developed over a period of years had independent economic value and constituted a compilation trade secret); *Altavion, Inc. v. Konica Minolta Systems Laboratory, Inc.* (2014) 226 Cal.App.4th 26, 47-48 (finding that the design concept was a protectable trade secret even though parts of the combination were in the public domain). In *Altavion*, the court stated that a trade secret “can include a system where the elements are in the public domain, but there has been accomplished an effective, successful and valuable integration of the public domain elements...” *Id.*



*Computer, Inc.* (9<sup>th</sup> Cir. 1993) 991 F.2d 511, 521, cert. denied, 510 US 10331 *Courtesy Temp. Serv. v. Camacho* (1990) 222 Cal.App.3d 1278, 1288.)

In other words, the party seeking trade-secret protection has, on its own initiative, developed some product or process for its own private economic benefit. In contrast, it is the Commission that has ordered the TNCs to respond, in template format, with the trip data by zip code. The compilation is being put together at the behest of the Commission, rather than by Raiser-CA for some competitive advantage over its competitors.<sup>36</sup>

Here, the information Moving Parties seek to protect is some of the same trip data information that was at issue in D.16-01-014. While the template has been updated over time to include additional information fields, the fact remains that the categories of information are being put together at the behest of the Commission in D.13-09-045 and D.20-03-014 to populate the template in a manner most useful for Commission staff so it can evaluate Moving Parties' operations. Thus, it does not appear that Moving Parties can satisfy their burden of demonstrating that a trade secret exemption applies to any of the categories of information that they wish to redact.

But as Moving Parties have expended considerable time in preparing their *Motions* and supporting documentation, this *Ruling* will address each of the information categories contained therein.

**a. Product Information**

Uber defines Product Information as (1) information regarding the type of service requested by riders, including whether the rider requested a "Pool" ride, and whether they were matched with another rider; (2) information giving

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<sup>36</sup> D.16-01-014, at 47-48.

visibility into Uber's pricing and algorithms, including the total amount paid for the trip, the tip amount for each trip, and whether surge pricing was in effect; and (3) information about the size of business done on the Uber platform, including the total number of trips completed between drivers and riders.

First, this *Ruling* rejects the request to treat the type of service requested as confidential. As the types of services that Moving Parties offer are publicly available on their respective websites, Moving Parties and their TNC competitors already know that their customers can and will avail themselves of one or more of those riding options. Moving Parties fail to explain how disclosing the number of persons who selected a particular ride service derives independent economic value not generally known to their TNC competitors. As sophisticated transportation providers, Moving Parties and their TNC competitors employ technicians who can calculate the benefits a company can derive by selecting a particular ride option and then assigning a percentage to that selection. These employees can then extrapolate what the economic benefits might be based on the percentage of rides selected. Moreover, a TNC employee or a prospective passenger who has both the Uber and Lyft Apps on his/her smart phone can consumer shop and find out which TNC will provide the most economical ride by inputting the pickup and drop off destinations and then compare rates. Thus, the information Moving Parties want to protect is either already publicly available in one form or another or can easily be deduced.

Second, this *Ruling* rejects the notion that pricing information is confidential. As with types of service, pricing information is available on Moving Parties websites which are publicly available. Moreover, the *Ruling* finds that the public has an economic interest in knowing when surge pricing is in effect because the passengers selecting a ride will want to do so on a date and

time that provides the lowest possible price. Yet, in requiring this information to be public, the *Ruling* does not require Moving Parties to disclose their pricing algorithms or explain how they determine when to impose surge pricing.

Third, this *Ruling* rejects the claim that the total number of trips completed is confidential. As with the types of ride service selected, the total number of trips completed is an amount that can be estimated based on various volume scenarios. Moreover, public entities have expressed an interest in obtaining this information to determine the impact of TNC services on their infrastructure, environmental impacts, traffic patterns, and the overall quiet enjoyment of their cities and counties.<sup>37</sup>

**b. Driver Information**

Uber defines Driver Information as: (1) Personal information including each driver's first and last name, middle initial, type of identification, the driver's operating license state of issuance, number and expiration date, as well as the VIN number of the driver's vehicle; (2) the days a particular driver has used the App, the day, month and year a driver's hours were reported using the App, the number of hours a driver was logged on the Uber App on days they used the app, mean and median hours and miles a driver was logged onto the App for the month, total months a driver used the Uber App for referrals, total hours and miles a driver was logged on to the Uber App for the month, and total miles driven on trips referred through the App; and (3) information regarding the total number of drivers who use the App.

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<sup>37</sup> See The San Francisco Municipal Transportation Agency, San Francisco County Transportation Authority, San Francisco City Attorney's Office, and the San Francisco International Airport *Opening Comments on Proposed Decision Re: Data Confidentiality Issues* (February 27, 2020), at 3, citing to their *Opening Comments* (December 3, 2019), at 8-13; and *Reply Comments* (December 20, 2019), at 2-7.

First, with respect to personal information, as this *Ruling* has already determined that personal information should be treated as confidential, it is not necessary to resolve whether personal information would also constitute a trade secret. Second, as to driving patterns and total number of drivers who use the App, this *Ruling* finds that Moving Parties have failed to meet their burden of proof that this information constitutes a trade secret. Like determining type of rides requested, driving patterns can also be determined by inputting various scenarios by hours, volume, various pricing scenarios, and then extrapolating those results.

**c. Trip Data**

Uber defines Trip Data as: The date and time, latitude, longitude, census block and zip code of both the driver and rider (1) when the rider is picked up and dropped off; (2) when the driver's app is turned on or the last rider dropped off, (3) at the time a trip request was made, and (4) at the time a trip request was accepted or not accepted, at the sole discretion of the driver.

First, with respect to latitude and longitude, as this *Ruling* has already determined that latitude and longitude information should be treated as confidential, it is not necessary to resolve whether personal information would also constitute a trade secret. Second, with the respect to the balance of the Trip Data, this *Ruling* determines that Moving Parties have not established that this information is entitled to trade secret protection. This data provides generalized locational, driving and time information that can already be ascertained with computer modeling.

Moreover, there is a public interest in learning when riders are in operation and when trips are accepted or rejected. Public entities have an interest in knowing how many drivers are in operation on their rides for the

planning purposes identified above, and would also want to know the number of times and when rides are accepted or rejected to determine if the TNC ride service is being provided to all neighborhoods in a nondiscriminatory manner. County district attorneys or the state attorney general may want to use this data to bring the necessary enforcement actions in civil court.

In requiring the TNCs to make this Trip Data public, this *Ruling* rejects the notion that doing so compromises the competitive advantages each company tries to maintain. For example, Uber cites to the Declaration of Peter Sauerwein who states that:

Uber and Lyft compete in terms of earnings opportunities, app functionality, and customer service. As a result of this intense competition, each company invests substantial sums developing new products and features for riders and drivers, marketing to drivers and riders, and engaging in efforts to improve riders' wait times and drivers' earning.<sup>38</sup>

Yet the Annual Reports do not require the TNCs to disclose new products and features for riders and drivers. In fact, this information is made available to the public on the Uber and Lyft websites. Nor do the Annual Reports require the disclosure of marketing strategies or explain their efforts to improve riders' wait times and drivers' earnings. Even if the raw Trip Data disclosed in the Annual Reports is made public, nothing in the Annual Reports requires a TNC to explain or disclose how that Trip Data is used to make rides "a more attractive option to customers, or more cost-efficient."<sup>39</sup> The Annual Reports do not require the disclosure of those business strategies, meaning that each competitive TNC must

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<sup>38</sup> Declaration of Peter Sauerwein (Sauerwein Decl.), at 1, 4.

<sup>39</sup> *Id.*, at 7.

perform its own analysis and develop its own strategies to market its business to the riding public.

### **5. The Public Interest Favors More Disclosure of Information in the 2020 Annual Reports**

Moving Parties also claim the public interest in keeping information provided in their Annual Reports confidential outweighs the public interest in making the information public.<sup>40</sup> In making this argument, Moving Parties are relying on Government Code § 6255(a), which is a “catch-all” provision that may be used for determining the confidentiality of records not covered by a specific exemption, commonly known as the “public interest balancing test.” The public interest balancing test allows state agencies to withhold records if an agency determines that, on the facts of the particular case, “the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.” Uber identifies two categories of information that it wants to keep confidential under the balancing act test: confidential complaints and driver discipline.

Uber defines Confidential Complaints as follows: Sensitive information regarding confidential reports of harassment, assault, reported Zero Tolerance incidents, or other complaints, including the date, time, location, and description of the alleged incidents, whether an investigation was conducted, the manner in which the incident or complaint was resolved, and the Waybill number for trips that were subject to complaints.<sup>41</sup>

Uber defines Driver Discipline as follows: Information regarding drivers who were found to have committed violations, including the number of drivers

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<sup>40</sup> Uber’s *Motion*, at 25-28. Lyft’s *Motion*, at 23.

<sup>41</sup> Uber’s *Motion*, at 26.

found to have committed violations that were suspended and not suspended, details regarding drivers who have been suspended or permanently deactivated, including the date and time of their suspensions or deactivations and reactivations, and the reason for their suspensions or deactivations.<sup>42</sup>

Moving Parties claim that if this information were made public, it would chill the reporting of such incidents by drivers and riders and may deter TNCs from implementing driver discipline. This *Ruling* rejects these rationales. With respect to the non-sexual assault and sexual harassment complaints, there is no evidence that the riders would not want this information public, especially as it would have the benefit of alerting the riding public to potential negative TNC experiences. A TNC would have an incentive in implementing driver discipline so that the potential riding public would have assurances that corrective action has been taken to deter such unfortunate conduct from occurring in the future.

## **6. Conclusion**

For the reasons set forth above, Moving Parties *Motions* are granted, in part.

Attached as Exhibits A and B are category by category responses using the templates that Moving Parties provided.

### **IT IS SO RULED**

This Ruling is effective today.

Dated December 21, 2020, at San Francisco, California.

/s/ ROBERT M. MASON III

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Robert M. Mason III  
Administrative Law Judge

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<sup>42</sup> Uber's *Motion*, at 26.

## **APPENDIX A**



EXHIBIT A

ADMINISTRATIVE LAW JUDGE’S RULING ON MOTION OF UBER TECHNOLOGIES, INC. FOR LEAVE TO FILE CONFIDENTIAL INFORMATION UNDER SEAL

CATEGORY	FIELD NAME	FIELD DESCRIPTION	SHEET	RULING
Trip Data	Service Issue	Alleged Transportation Service Issue	Accessibility Complaints	Denied
Complaints Data	Assault/Harass/Descr	Description of Alleged Sexual Assault/Harassment	Assaults and harassments	Grant
Complaints Data	Assault/HarassType	Type of Assault and Harassment	Assaults and harassments	Grant
Complaints Data	CollissionDescr	Description of collision or complaint	Accidents and incidents	Denied
Complaints Data	ComplaintFiledDate	Determine Complaint filed	Accidents and incidents, Assaults and harassments, Off-platform solicitation, Zero tolerance	Grant as to assaults and harassments; Denied as to balance
Complaints Data	Complaint ID	Complaint Identification Number	Accidents and incidents, Assaults and harassments, Law enforcement citation, Requests accepted, Zero tolerance	Grant as to assaults and harassments; Denied as to balance
Complaints Data	ComplaintResolveDate	Determine Complaint Resolved	Accidents and incidents, Assaults and harassments, Off-platform solicitation, Zero tolerance	Grant as to assaults and harassments; Denied as to balance
Complaints Data	ComplaintResolveDescr	Description of How Complaint was Resolved	Off-platform solicitation, Assaults and harassments,	Grant as to assaults and harassments;

			<b>Zero tolerance</b>	<b>Denied as to balance</b>
Complaints Data	<b>InvestigationConducted</b>	<b>Investigation Conducted (Y/N)</b>	<b>Assaults and harassment, Zero tolerance, Off-platform solicitation</b>	<b>Denied</b>
Complaints Data	<b>Zero Tolerance Date</b>	<b>Datetimeof Zero Tolerance Incident</b>	<b>Zero tolerance</b>	<b>Denied</b>
Complaints Data	<b>Zero ToleranceDescr</b>	<b>Description of Zero Tolerance Complaint</b>	<b>Zero tolerance</b>	<b>Denied</b>
Trip Data	<b>Waybill</b>	<b>Waybill Number of Trip</b>	<b>Accidents and incidents, Assaults and harassments, Law enforcement citation, Requests accepted, Zero tolerance</b>	<b>Grant</b>
Trip Data	<b>AssaultHarassLat</b>	<b>Alleged Assault/Harassment Location Latitude</b>	<b>Assaults and harassments</b>	<b>Grant</b>
Trip Data	<b>AssaultHarassCB</b>	<b>Alleged Assault/Harassment Location Census Block</b>	<b>Assaults and harassments</b>	<b>Denied</b>
Trip Data	<b>AssaultHarassLong</b>	<b>Alleged Assault/Harassment Location Longitude</b>	<b>Assaults and harassments</b>	<b>Grant</b>
Trip Data	<b>Zero Tolerance Lat</b>	<b>Zero Tolerance Incident Location Latitude</b>	<b>Zero tolerance</b>	<b>Grant</b>
Trip Data	<b>Zero Tolerance Long</b>	<b>Zero Tolerance Incident Location Longitude</b>	<b>Zero tolerance</b>	<b>Grant</b>
Trip Data	<b>Zero Tolerance Zip</b>	<b>Zero Tolerance Incident Location Zip Code</b>	<b>Zero tolerance</b>	<b>Denied</b>
Trip Data	<b>Zero Tolerance CB</b>	<b>Zero Tolerance Incident Location Census Block</b>	<b>Zero tolerance</b>	<b>Denied</b>
Complaints Data	<b>AssaultHarassDate</b>	<b>Date time of Alleged Assault/Harassment</b>	<b>Assaults and harassments</b>	<b>Denied</b>
Complaints Data	<b>DriverConsequence</b>	<b>Consequence to Driver (Deactivated/Reactivated)</b>	<b>Assaults and harassment, Off-platform solicitation, Zero tolerance</b>	<b>Denied</b>

Complaints Data	<b>DriverCurrentAuth</b>	<b>Is Driver Currently Authorized to Drive for TNC? (Y/N)</b>	<b>Assaults and harassments, Off-platform solicitation, Zero tolerance</b>	<b>Denied</b>
Complaints Data	<b>DriverPermDeactivated</b>	<b>Driver Permanently Deactivated (Y/N)</b>	<b>Suspended Drivers</b>	<b>Denied</b>
Complaints Data	<b>Drivers Committed Violation</b>	<b>Total number of drivers found to have committed a violation</b>	<b>Total violations and incidents</b>	<b>Denied</b>
Complaints Data	<b>DriversNotSuspended</b>	<b>Number of drivers that were found to have committed a violation but were not suspended</b>	<b>Total violations and incidents</b>	<b>Denied</b>
Complaints Data	<b>DriversSuspended</b>	<b>Number of drivers that were found to have committed a violation and were suspended</b>	<b>Total violations and incidents</b>	<b>Denied</b>
Complaints Data	<b>DriverSuspendDate</b>	<b>Date time Driver Suspended (if applicable)</b>	<b>Assaults and harassments</b>	<b>Denied</b>
Complaints Data	<b>ReactivationDate</b>	<b>Date time of reactivation (if applicable)</b>	<b>Suspended drivers</b>	<b>Denied</b>
Complaints Data	<b>SuspensionDate</b>	<b>Date time of suspension</b>	<b>Suspended drivers</b>	<b>Denied</b>
Complaints Data	<b>SuspensionReason</b>	<b>Examples include: sexual assault, sexual harassment, consumed intoxicating substance</b>	<b>Suspended drivers</b>	<b>Denied</b>
Trip Data	<b>AssaultHarassZip</b>	<b>Alleged Assault/Harassment Location Zip Code</b>	<b>Assaults and harassments</b>	<b>Denied</b>
Driver Info	<b>DaysWorked</b>	<b>Total Days Worked</b>	<b>Number of hours, Number of miles</b>	<b>Denied</b>
Driver Info	<b>DriverFirstName</b>	<b>Driver first name</b>	<b>Driver Names and ID</b>	<b>Grant</b>
Driver Info	<b>DriverHoursDay</b>	<b>Day of Driver Hours Recorded</b>	<b>Number of hours</b>	<b>Denied</b>
Driver Info	<b>DriverHoursMonth</b>	<b>Month of Driver Hours Recorded</b>	<b>Number of hours</b>	<b>Denied</b>
Driver Info	<b>DriverHoursRecordedDay</b>	<b>Number of Driver Hours Recorded for the Day</b>	<b>Number of hours</b>	<b>Denied</b>
Driver Info	<b>DriverHoursYear</b>	<b>Year of Driver Hours Recorded</b>	<b>Number of hours</b>	<b>Denied</b>
Driver Info	<b>Driver ID</b>	<b>Driver Identification ID</b>		<b>Grant</b>

Driver Info	<b>DriverLastName</b>	<b>Driver last name</b>	<b>Driver Names and ID</b>	<b>Grant</b>
Driver Info	<b>DriverLicExp</b>	<b>Driver license expiration date</b>	<b>Driver Names and ID</b>	<b>Grant</b>
Driver Info	<b>DriverLicNum</b>	<b>Driver license ID</b>	<b>Driver Names and ID</b>	<b>Grant</b>
Driver Info	<b>DriverLicState</b>	<b>Driver license state</b>	<b>Driver Names and ID</b>	<b>Grant</b>
Driver Info	<b>DriverMI</b>	<b>Driver middle initials</b>	<b>Driver Names and ID</b>	<b>Grant</b>
Driver Info	<b>DriverMilesDay</b>	<b>Day of Driver Miles Recorded</b>	<b>Number of miles</b>	<b>Denied</b>
Driver Info	<b>DriverMilesMonth</b>	<b>Month of Driver Miles Recorded</b>	<b>Number of miles</b>	<b>Denied</b>
Driver Info	<b>DriverMilesRecordedDay</b>	<b>Number of Driver Miles Recorded for the Day</b>	<b>Number of miles</b>	<b>Denied</b>
Driver Info	<b>DriverMilesYear</b>	<b>Year of Driver Miles Recorded</b>	<b>Number of miles</b>	<b>Denied</b>
Driver Info	<b>MeanHoursMth</b>	<b>Mean Hours Recorded for Month</b>	<b>Number of hours</b>	<b>Denied</b>
Driver Info	<b>MeanMilesMth</b>	<b>Mean Miles Recorded for Month</b>	<b>Number of miles</b>	<b>Denied</b>
Driver Info	<b>MedianHoursMth</b>	<b>Median Hours Recorded for Month</b>	<b>Number of hours</b>	<b>Denied</b>
Driver Info	<b>MedianMilesMth</b>	<b>Median Miles Recorded for Month</b>	<b>Number of miles</b>	<b>Denied</b>
Driver Info	<b>MonthsWorked</b>	<b>Total Months Worked</b>	<b>Number of hours, Number of miles</b>	<b>Denied</b>
Driver Info	<b>TotalHoursMth</b>	<b>Total Hours Recorded for Month</b>	<b>Number of hours</b>	<b>Denied</b>
Driver Info	<b>TotalMilesMth</b>	<b>Total Miles Recorded for Month</b>	<b>Number of miles</b>	<b>Denied</b>
Trip Data	<b>PassengerDropoffDate</b>	<b>Date time of Passenger Drop-off</b>	<b>Requests accepted</b>	<b>Denied</b>
Trip Data	<b>PassengerPickupDate</b>	<b>Dat time of Passenger Pick-up</b>	<b>Requests accepted</b>	<b>Denied</b>
Trip Data	<b>ReqAcceptDate</b>	<b>Date time Request was Accepted</b>	<b>Requests accepted</b>	<b>Denied</b>

Trip Data	<b>AppOnOrPassengerDroppedOffCB</b>	<b>Census Block of Driver When Driver App is Turned on or Last Passenger is Dropped off</b>	<b>Requests accepted</b>	<b>Denied</b>
Trip Data	<b>AppOnOrPassengerDroppedOFFLat</b>	<b>Latitude of Driver When Driver App is Turned on or Last Passenger is Dropped Off</b>	<b>Requests accepted</b>	<b>Grant</b>
Trip Data	<b>AppOnOrPassengerDroppedOffLong</b>	<b>Longitude of Driver When Driver App is Turned on or Last Passenger is Dropped off</b>	<b>Requests accepted</b>	<b>Grant</b>
Trip Data	<b>AppOnOrPassengerDroppedOffZip</b>	<b>Zip Code of Driver When Driver App is Turned on or Last Passenger is Dropped off</b>	<b>Requests accepted</b>	<b>Denied</b>
Trip Data	<b>PassengerDropoffCB</b>	<b>Census Block Code of Passenger Drop-off</b>	<b>Requests accepted</b>	<b>Denied</b>
Trip Data	<b>PassengerDropoffLat</b>	<b>Latitude of Passenger Drop-off</b>	<b>Requests accepted</b>	<b>Grant</b>
Trip Data	<b>Passenger DropoffLong</b>	<b>Longitude of Passenger Drop-off</b>	<b>Requests accepted</b>	<b>Grant</b>
Trip Data	<b>PassengerDropoffZip</b>	<b>Zip Code of Passenger Drop-off</b>	<b>Requests accepted</b>	<b>Denied</b>
Trip Data	<b>PassengerPickupCB</b>	<b>Census Block Code of Passenger Pick-up</b>	<b>Requests accepted</b>	<b>Denied</b>
Trip Data	<b>PassengerPickupLat</b>	<b>Latitude of Passenger Pick-up</b>	<b>Requests accepted</b>	<b>Grant</b>
Trip Data	<b>PassengerPickupLong</b>	<b>Longitude of Passenger Pick-up</b>	<b>Requests accepted</b>	<b>Grant</b>
Trip Data	<b>PassengerPickupZip</b>	<b>Zip Code of Passenger Pick-up</b>	<b>Requests accepted</b>	<b>Denied</b>
Trip Data	<b>ReqAcceptedCB</b>	<b>Census Block Code of Driver (at time trip request was accepted)</b>	<b>Requests accepted</b>	<b>Denied</b>
Trip Data	<b>ReqAcceptedLat</b>	<b>Latitude of Driver (at time trip request was accepted)</b>	<b>Requests accepted</b>	<b>Grant</b>
Trip Data	<b>ReqAcceptedLong</b>	<b>Longitude of Driver (at time trip request was accepted)</b>	<b>Requests accepted</b>	<b>Grant</b>
Trip Data	<b>ReqAcceptedZip</b>	<b>Zip Code of Driver (at time trip request was accepted)</b>	<b>Requests accepted</b>	<b>Denied</b>
Trip Data	<b>TripReqDriverCB</b>	<b>Census Block Code of Driver (at time of trip request)</b>	<b>Requests accepted</b>	<b>Denied</b>
Trip Data	<b>TripReqDriverLat</b>	<b>Latitude of Driver (at time of trip request)</b>	<b>Requests accepted</b>	<b>Grant</b>
Trip Data	<b>TripReqDriverLong</b>	<b>Longitude of Driver (at time of trip request)</b>	<b>Requests accepted</b>	<b>Grant</b>
Trip Data	<b>TripReqDriverZip</b>	<b>Zip Code of Driver (at time of trip request)</b>	<b>Requests accepted</b>	<b>Denied</b>

Trip Data	<b>TripReqRequesterCB</b>	<b>Census Block Code of Requester (at the time of trip request)</b>	<b>Requested not accepted, Requests accepted</b>	<b>Denied</b>
Trip Data	<b>TripReqRequesterLat</b>	<b>Latitude of Requester (at the time of trip request)</b>	<b>Requested not accepted, Requests accepted</b>	<b>Grant</b>
Trip Data	<b>TripReqRequesterLong</b>	<b>Longitude of Requester (at the time of trip request)</b>	<b>Requested not accepted, Requests accepted</b>	<b>Grant</b>
Trip Data	<b>TripReqRequesterZip</b>	<b>Zip Code of Requester (at the time of trip request)</b>	<b>Requested not accepted, Requests accepted</b>	<b>Denied</b>
Trip Data	<b>ZipCodeRequest</b>	<b>Zip Code of Request</b>	<b>Requested not accepted (aggreg), Requests accepted (Aggreg)</b>	<b>Denied</b>
Trip Data	<b>TotalMiles</b>	<b>Total Milers Driven</b>	<b>50000 miles</b>	<b>Denied</b>
Driver Info	<b>VIN</b>	<b>VIN</b>		<b>Grant</b>
Driver Info	<b>EligibleDrivers</b>	<b>Total Number of Drivers that Became Eligible and Completed Driver Training Course</b>	<b>Driver training</b>	<b>Denied</b>
Trip Data	<b>NotAcceptedDriverReason</b>	<b>Reason/explanation for trip not being accepted by driver</b>	<b>Requested not accepted</b>	<b>Denied</b>
Trip Data	<b>Pool Match</b>	<b>Whether Passenger Matched to Fare-Split (Shared/Pooled) Trip (Y/N)</b>	<b>Requests accepted</b>	<b>Denied</b>
Trip Data	<b>Pool Request</b>	<b>Whether Passenger Requested to Fare-Split (Shared/Pooled) Trip (Y/N)</b>	<b>Requested not accepted</b>	<b>Denied</b>
Trip Data	<b>Pool Request</b>	<b>Whether Passenger Requested to Fare-Split (Shared/Pooled) Trip (Y/N)</b>	<b>Requests accepted</b>	<b>Denied</b>
Trip Data	<b>ServiceType</b>	<b>Type of Service (e.g. Uber Black, Uber X, Lyft Lux, etc)</b>	<b>Requests accepted</b>	<b>Denied</b>
Trip Data	<b>SurgePricing</b>	<b>Surge Pricing in Effect? (Y/N)</b>	<b>Requests accepted</b>	<b>Denied</b>

Trip Data	<b>Tip</b>	<b>Tip Amount of Total Amount Paid</b>	<b>Requests accepted</b>	<b>Denied</b>
Trip Data	<b>TotalAcceptedTrips</b>	<b>Total Accepted Trips</b>	<b>Requests accepted (Aggregate)</b>	<b>Denied</b>
Trip Data	<b>TotalAmountPaid</b>	<b>Total Amount Paid for Trip</b>	<b>Requests accepted</b>	<b>Denied</b>
Trip Data	<b>NotAcceptedDate</b>	<b>Date time that trip request was not accepted</b>	<b>Request not accepted</b>	<b>Denied</b>
Trip Data	<b>NotAcceptedDriverCB</b>	<b>Census Block Code of Driver (at the time trip request was not accepted)</b>	<b>Requested not accepted</b>	<b>Denied</b>
Trip Data	<b>NotAcceptedDriverLat</b>	<b>Latitude of Driver (at the time trip request was not accepted)</b>	<b>Requested not accepted</b>	<b>Grant</b>
Trip Data	<b>NotAcceptedDriverLong</b>	<b>Longitude of Driver (at the time trip request was not accepted)</b>	<b>Requested not accepted</b>	<b>Grant</b>
Trip Data	<b>NotAcceptedDriverZip</b>	<b>Zip Code of Driver (at the time trip request was not accepted)</b>	<b>Requested not accepted</b>	<b>Denied</b>
Trip Data	<b>PeriodOneMilesTraveled</b>	<b>Period 1 Miles Traveled (app open to when match is accepted)</b>	<b>Requests accepted</b>	<b>Denied</b>
Trip Data	<b>PeriodThreeMilesTraveled</b>	<b>Period 3 Miles Traveled (passenger is in the vehicle to time passenger safely exists the vehicle)</b>	<b>Requests accepted</b>	<b>Denied</b>
Trip Data	<b>PeriodTwoMilesTraveled</b>	<b>Period 2 Miles Traveled (match accepted to when passenger is in the vehicle)</b>	<b>Requests accepted</b>	<b>Denied</b>
Trip Data	<b>HrsAccessVehAvail</b>	<b>Hours Accessible Vehicles Available</b>	<b>Accessibility Report (Confid)</b>	<b>Denied</b>
Trip Data	<b>Month</b>	<b>Month of Reporting Period</b>	<b>Accessibility Report (Confid)</b>	<b>Denied</b>
Trip Data	<b>NumAccessVeh</b>	<b>Number of Accessible Vehicles</b>	<b>Accessibility Report (Confid)</b>	<b>Denied</b>
Trip Data	<b>NumRidesReq</b>	<b>Number of Rides Requested</b>	<b>Accessibility Report (Confid)</b>	<b>Denied</b>
Trip Data	<b>Resolution</b>	<b>Resolution</b>	<b>Accessibility Complaints (confid), Accessibility</b>	<b>Denied</b>

			<b>Complaints (public)</b>	
Complaints Data	<b>AmountPaidAnyParty</b>	<b>Amount Paid to Any Party Involved in Accident</b>	<b>Accidents and incidents</b>	<b>Grant</b>
Complaints Data	<b>AmountPaidDriverIns</b>	<b>Amount Paid by Driver's Insurance</b>	<b>Accidents and incidents</b>	<b>Grant</b>
Complaints Data	<b>AmountPaidTNC</b>	<b>Amount Paid by TNC's Insurance</b>	<b>Accidents and incidents</b>	<b>Grant</b>
Complaints Data	<b>IncidentAccidentClaim</b>	<b>Claim as to what caused incident/accident</b>	<b>Accidents and incidents</b>	<b>Denied, unless there was a confidential settlement our court seals record</b>
Complaints Data	<b>IncidentAccidentDate</b>	<b>Date time of Incident/Accident</b>	<b>Accidents and incidents</b>	<b>Denied</b>
Complaints Data	<b>IncidentAccidentGuiltyParty</b>	<b>Who was found guilty of incident/accident by a criminal court</b>	<b>Accidents and incidents</b>	<b>Denied, unless court seals record</b>
Complaints Data	<b>IncidentAccidentOtherParty</b>	<b>Other party in incident/accident (pedestrian, bicyclist, motorcyclist, motorist, etc)</b>	<b>Accidents and incidents</b>	<b>Denied</b>
Complaints Data	<b>IncidentAccidentParty</b>	<b>Party that lead to the incident/accident (Driver, Passenger, Third Party)</b>	<b>Accidents and incidents</b>	<b>Denied</b>
Complaints Data	<b>IncidentAccidentType</b>	<b>Type of Incident and Accident</b>	<b>Accidents and incidents</b>	<b>Denied</b>
Complaints Data	<b>IncidentDate</b>	<b>Date time of Off-platform Incident</b>	<b>Off-platform solicitation</b>	<b>Denied</b>
Complaints Data	<b>Liability</b>	<b>Found liable by a civil court or through arbitration (Y/N)</b>	<b>Accidents and incidents</b>	<b>Denied, unless record was sealed or confidentiality agreement reached</b>
Complaints Data	<b>Payor</b>	<b>Who Paid? (Driver, TNC, etc)</b>	<b>Law enforcement citation</b>	<b>Denied, unless paid under a confidentiality agreement</b>
Complaints Data	<b>PrimaryCollisionFactor</b>	<b>Who was cited/ticketed/had license suspended, found to be a primary collision factor (CHP Form 555 or similar)</b>	<b>Accidents and incidents</b>	<b>Denied</b>
Trip Data	<b>IncidentAccidentCB</b>	<b>Incidents &amp; Accidents Location Census Block</b>	<b>Accidents and incidents</b>	<b>Denied</b>



Trip Data	<b>IncidentAccidentLat</b>	<b>Incidents &amp; Accidents Location Latitude</b>	<b>Accidents and incidents</b>	<b>Grant</b>
Trip Data	<b>IncidentAccidentLong</b>	<b>Incidents &amp; Accidents Location Longitude</b>	<b>Accidents and incidents</b>	<b>Grant</b>
Trip Data	<b>IncidentAccidentZip</b>	<b>Incidents &amp; Accidents Location Zip Code</b>	<b>Accidents and incidents</b>	<b>Denied</b>

*End of Attachment A*

## **APPENDIX B**

## EXHIBIT B

**ADMINISTRATIVE LAW JUDGE’S RULING ON MOTION OF LYFT, INC. FOR  
CONFIDENTIAL TREATMENT OF CERTAIN INFORMATION IN ITS 2020 ANNUAL  
REPORT**

<b>Category</b>	<b>Ruling</b>
<b>Driver Names &amp; IDs—columns C-I</b>	
First, middle, and last name of all drivers using the platform	Grant
The ID associated with each driver	Grant
Individual driver license number	Grant
State of issuance	Grant
Expiration date	Grant
<b>Accessibility Reports (Confidential)—columns E-H, J</b>	
Total number of rides requested on the TNC platform during the reporting period	Denied
The number of hours the TNC has Accessible Vehicles	Denied
The number of Accessible Vehicles the TNC has available	Denied
The number of Accessible Vehicles requests made	Denied
The number of Accessible Vehicles requests fulfilled	Denied
Accessibility Report (Public)—columns E-G, I	Denied
<b>Reports of TNC Investigations</b>	
<b>Accidents &amp; Incidents—columns E-Z, AB-AE</b>	
Driver identification number	Grant
Vehicle Identification Number (VIN)	Grant
Latitude and longitude of the incident	Grant
Zip code of the incident	Denied
Census block of the incident	Denied
Date and time of the incident	Denied
Description of the incident	Denied
Other parties involved in the incident	Grant
Cause of the incident	Denied
Person cited or ticketed in the incident	<u>Denied</u>
Any party found liable in an arbitration	Grant
Information concerning any criminal proceeding in progress	Denied, unless record was later sealed by the court.
Amounts paid by the TNC’s insurance	Grant
Amounts paid by the driver’s insurance	Grant
Amounts paid by any other source	Grant
<b>Assault and Harassments—columns E-Y</b>	

Driver identification number	Grant
VIN	Grant
Latitude and longitude of the incident	Grant
Zip code of the incident	Denied
Census block of the incident	Denied
Date and time of the incident	Denied
The type of alleged sexual assault or harassment	Grant
Description of the alleged sexual assault/harassment	Grant
Whether driver or passenger was suspended	Denied
Consequence to the driver	Denied
How the complaint was resolved	Denied, unless there was a confidential settlement agreement
Whether driver is currently authorized to drive	Denied
<b>Accessibility Complaints (Confidential)— columns D-G</b>	
Driver ID	Grant
Description of the complaint	Denied, unless there was a confidential settlement agreement
The resolution	Denied, unless there was a confidential settlement agreement
Additional comments	Denied, unless there was a confidential settlement agreement
<b>Law Enforcement Citations— columns E-I, M-S</b>	
Driver ID	Grant
VIN	Grant
Make, model, and year of vehicle	Denied
Description of allegedly unlawful action leading to citation	Denied
<b>Off Platform Solicitation— columns C-S</b>	
Driver ID	Grant
VIN	Grant
Model and year of vehicle	Denied
Date, time, latitude, and longitude of alleged off-platform solicitation	Denied, except for latitude and longitude
Description of the complaint	Denied
Results of the investigation	Denied
Consequences to the driver	Denied
Whether the driver was suspended	Denied
Whether driver is currently active on the platform	Denied
<b>Suspended Drivers— columns C-G</b>	
Driver ID	Grant
Date and time of suspension and reactivation	Denied
Description of the allegation that supported suspension	Grant

Whether driver was permanently suspended	Denied
<b>Zero Tolerance—columns E-V</b>	
Driver ID	Grant
VIN	Grant
Make, model, and year of vehicle	Denied
Date, time latitude, and longitude of allegation	Denied, except for latitude and longitude
Description of zero tolerance complaint	Denied
Consequences to the driver	Denied
How was complaint resolved	Denied
Whether driver is currently authorized to drive	Denied
<b>Number of Hours—columns C-L</b>	
Driver ID	Grant
Number of hours driver has completed on the platform during the reporting period	Denied
<b>Number of miles—columns C-L</b>	
Driver ID	Grant
Number of miles driver has completed on the platform during the reporting period	Denied
<b>Driver Training—column E</b>	
Total number of drivers that became eligible and completed driver training course	Denied
<b>Requests Accepted—columns E-AN, AQ</b>	
Driver ID	Grant
VIN	Grant
Make, model, and year of vehicle	Denied
Latitude and longitude of the driver when the app is turned on or last passenger is dropped off	Grant
The number of miles traveled	Denied
Amount paid	Denied
<b>Requests Not Accepted—columns C-S</b>	
Driver ID	Grant
VIN	Grant
Make, model, and year of vehicle	Denied
Date, time, latitude, and longitude of the requester at the time the request is made	Denied, except for latitude and longitude
Date, time, latitude, and longitude of the driver at the time the requester was not accepted	Denied, except for latitude and longitude
The reason the request was not accepted	Denied
<b>Requests Accepted Aggregate—column D</b>	
Total number of rides accepted during the reporting period	Denied
<b>Requests Not Accepted Aggregate—column D</b>	
Total number of rides not accepted during the reporting period	Denied

*End of Attachment B*