



Dec. 1, 2015

Council Member Helen Rosenthal
District Office Address
563 Columbus Ave
New York, New York 10024

Council Member Jumaane Williams
District Office Address
4517 Avenue D
Brooklyn
NY 11203

Dear Council Members Rosenthal and Williams:

I am writing on behalf of Consumer Watchdog -- our nonprofit, nonpartisan public interest group that takes on high profile-privacy violations -- in response to your recent Daily News opinion piece. Your article called for Airbnb to turn over detailed personal information including names, addresses and IP addresses of people using the service to rent their property. Your proposal would be an unjustified and improper invasion of privacy. We believe Airbnb's just announced policy to share anonymized data about its "hosts" will give New York City the necessary information to craft needed regulations and to enforce them.

The legitimacy of sweeping government demands for consumers' personal data is one of the central privacy questions of our time. Requiring citizens to give up their right to privacy so enforcement officials can scour through records and search for potential violations of local laws amounts to a blank search warrant.

Americans balk at this kind of mass data collection when the government does it in the name of preventing terrorism. Why would it be acceptable when the government's aim is to catch homeowners violating zoning codes or skimping on their taxes?

Government requests for personally identifiable data must carefully balance the right to privacy against the right to safety and security for the public. Judges typically need to issue warrants for such information because it is considered each citizen's right to protect it. Throwing open the door to mass data collection of the most personal of information -- with no legal justification like a warrant or subpoena -- would deal a serious blow to privacy rights in New York.

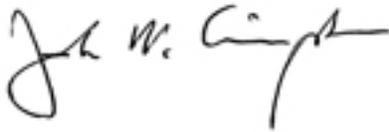
Consumer Watchdog supports New York's efforts to develop and enforce appropriate regulations on the home sharing industry. We don't have a problem with requiring people offering home sharing accommodations to get a business license and to pay occupancy taxes. Nor do we object to the city exercising its zoning rights -- whether it is to limit home sharing, vacation rentals, or prohibit them all together. We share concerns that already expensive housing markets are being squeezed even further by the wholesale removal of properties to become

vacation rentals. Nevertheless, the wholesale surrender of a home-sharing platform users' privacy rights is not the way to go about regulating the industry.

Airbnb's plan to release anonymized data will give important insight into such matters as the number and type of units offered, the rent charged, the number of nights offered and the number of listings per host. From the anonymized data city officials and regulators should be able to gain an understanding of how Airbnb works in New York. Importantly, regulators should be able to identify those anonymized records showing indications of possible violations of city code. Regulators could then seek detailed information about those specific individual records with a subpoena to Airbnb. Rather than a massive data dump that wrongfully invades New Yorkers' right to privacy, likely violators could be targeted for enforcement action after the pertinent individual records were obtained with a subpoena.

People using home sharing sites to offer accommodations should follow zoning laws and pay their taxes. However, the blunt approach to enforcement you have proposed is a slippery slope and a significant threat to privacy. Airbnb's plan to release anonymized data about its New York operation strikes the right balance between protecting privacy and providing insight into how Airbnb impacts the city. It should provide sufficient information for regulators to initiate enforcement action in the cases where it is necessary.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Simpson". The signature is fluid and cursive, with a long horizontal stroke at the end.

John M. Simpson
Privacy Project Director

Cc: Mayor Bill de Blasio