

26-0956

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

WHEELY USA, INC., MAYFAIR-NY LLC, KENSINGTON-NY LLC,
Plaintiffs-Appellants,

— v. —

THE CITY OF NEW YORK,
Defendant-Appellee.

*On Appeal from the United States District Court
for the Southern District of New York*

**BRIEF OF *AMICUS CURIAE* THE LEGAL AID SOCIETY
IN SUPPORT OF PLAINTIFFS-APPELLANTS FOR REVERSAL**

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INTEREST OF AMICUS CURIAE IN THIS CASE

The Legal Aid Society is the nation’s oldest and largest private non-profit legal services agency, dedicated since 1876 to providing quality legal representation to low-income New Yorkers.¹ The Legal Aid Society (“LAS”) has appeared before the United States Supreme Court, the United States Court of Appeals for the Second Circuit, the New York Court of Appeals, and other courts to represent its clients and as *amicus curiae* on issues that affect low-income New Yorkers and their communities.

In 2013, LAS established its Digital Forensics Unit in recognition of the growing use of digital evidence in the criminal legal system. The Unit includes staff attorneys and digital forensic analysts who help public defenders, policymakers, and courts understand issues of digital evidence and electronic surveillance. The Unit frequently assists with cases involving location evidence and understands how the data can be deeply revealing—both on its own and when aggregated with other sources of information. The Legal Aid Society respectfully submits this brief to highlight the ways in which the Taxi and Limousine Commission’s (“TLC”)

¹ Pursuant to Federal Rules of Appellate Procedure 29(a)(4)(A) and 26.1(a), *amicus curiae* The Legal Aid Society discloses that it has no parent corporation and that no publicly held corporation owns 10% or more of its stock. Pursuant to Federal Rule of Appellate Procedure 29(a)(4), The Legal Aid Society states that no counsel for a party authored this brief in whole or in part, and no such counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No person other than the *amicus curiae*, its members, or its counsel made a monetary contribution intended to fund the preparation or submission of this brief.

Location Reporting Rules intrude upon the privacy of everyday New Yorkers who rely on for-hire vehicles (“FHV”) for transportation or work. The parties consent to the filing of this brief, fulfilling Federal Rule of Appellate Procedure 29(a)(2).

INTRODUCTION AND SUMMARY OF ARGUMENT

The TLC’s Location Reporting Rules require all FHV base owners to collect and transmit to the TLC the date, time, and location of every passenger pickup and drop-off, the driver’s TLC license number, and the vehicle’s license number. 35 R.C.N.Y. § 59B-19. This means that no New Yorker can take an Uber without the TLC knowing when and where they went. No Lyft driver in the city can keep their driving schedule private from the government. And troves of this sensitive data are available for all government and private actors to use and abuse as they like.

Since the TLC’s Location Reporting Rules were introduced, riders, drivers, privacy advocates, and companies have raised concerns about their impact on New Yorkers’ privacy, warning that “the compilation of such vast databases by the TLC can reveal very private geolocation information about who is traveling and precisely when and where.”² Since this data is collected by a city agency, it is all subject to

² *Privacy Concerns with Proposed Rule Change to §59B-19* (Nov. 19, 2014), <https://media.bizj.us/view/img/4423681/tlcletter.pdf>; see also Transcript of the New York City Taxi & Limousine Commission at 35:5-6, N.Y.C. Taxi & Limousine Comm’n (Oct. 16, 2014), https://www.nyc.gov/assets/tlc/downloads/pdf/transcript_10_16_14.pdf (“[T]he requirement that base owners transmit trip records to the TLC “potentially undermin[es] the privacy of drivers, passengers and bases.”); Joshua Brustein, *Uber Doesn’t Want to Give NYC (or Anyone) More Data*, Bloomberg (Jan. 5, 2017), <https://www.bloomberg.com/news/articles/2017-01-05/uber-doesn-t->

Freedom of Information Law requests to make it public. This very method has been used many times to gather and analyze passenger and driver information from the TLC dataset created by the Location Reporting Rules.³ Groups like the Center for Democracy and Technology urged the TLC to consider purpose, specification, and use limitations—largely absent in the TLC’s proposal.⁴ And Uber riders called the data collection “creepy” and believed it would “lead to an Orwellian state.”⁵

In 2017, when the TLC first proposed to collect drop-off locations, then-Public Advocate Letitia James warned that “[t]he new proposed rules by the TLC could compromise New Yorkers’ privacy without any proof that such regulations will

want-to-give-nyc-or-anyone-more-data (“Uber described the requirement as an invasion of privacy”); *Privacy Implications of Collecting FHV Drop-off Location Data in Proposed Rule 2016 RG 097* (Dec. 26, 2016), <https://fpf.org/wp-content/uploads/2016/12/TLC-Fatigue-Comments-from-FPF-CDT-EFF-Constitution-Project-and-Tech-Freedom.pdf> (the addition of drop-off data to the TLC’s data set “would provide the TLC and the public with a comprehensive view of the movements of individual New Yorkers.”); Transcript of the New York City Taxi & Limousine Commission at 66:17-67:2, N.Y.C. Taxi & Limousine Comm’n, 161 (Jan. 5, 2017), https://www.nyc.gov/assets/tlc/downloads/pdf/transcript_01_05_17.pdf (“It’s no secret that growing public concerns over privacy issues with the current process are escalating at a rapid pace.”).

³ *Privacy Implications of Collecting FHV Drop-off Location Data in Proposed Rule 2016 RG 097* (Dec. 26, 2016), <https://fpf.org/wp-content/uploads/2016/12/TLC-Fatigue-Comments-from-FPF-CDT-EFF-Constitution-Project-and-Tech-Freedom.pdf> (“The proposed rule poses particular risks in light of the TLC’s current data collection—FHV bases must already report the date, time, and location of passenger pick-ups—and the history of similar passenger data held by TLC becoming publicly available in response to Freedom of Information requests.”).

⁴ Transcript of the New York City Taxi & Limousine Commission at 66:17-67:2, N.Y.C. Taxi & Limousine Comm’n, 154 (Jan. 5, 2017), https://www.nyc.gov/assets/tlc/downloads/pdf/transcript_01_05_17.pdf.

⁵ *Id.* at 137.

increase overall safety.”⁶ She believed that “[i]nstead of attempting this data grab, our government should work to preserve New Yorkers’ privacy.”⁷ Her sentiments were echoed by Tech NYC, the Center for Democracy and Technology, Future of Privacy Forum, Via, and others.⁸

These concerns about government collection of location data are all the more pressing today. While data never existed in a vacuum, modern technology has made it cheaper and easier to aggregate data from various sources and draw inferences about people’s private lives. In 2026, the TLC is not just learning about New Yorkers’ car rides—it is collecting and sharing puzzle pieces that may be used to uncover individuals’ religious practices, medical conditions, political protest activity, and more.

Amicus Curiae The Legal Aid Society respectfully urges the Court to reverse the District Court’s decision and remand with instructions to enter judgment in favor of Plaintiffs-Appellants and put an end to the TLC’s invasive and dangerous data collection practices.

⁶ *PA James Opposes Dangerous Data Collection Move by De Blasio Administration*, Public Advocate for the City of New York (Feb. 1, 2017), <https://web.archive.org/web/20170207221925/http://pubadvocate.nyc.gov/news/articles/pa-james-opposes-dangerous-data-collection-move-de-blasio-administration>.

⁷ *Id.*

⁸ *Id.*

ARGUMENT

I. The Location Reporting Rules Intrude Upon Passengers' Privacy.

The time and location of a passenger's pickup and drop-off can be deeply revealing—especially when combined with other trips and other sources of data. Time and location data reported to TLC, a city agency, is accessible to the public through a Freedom of Information Law request. *See generally* N.Y. Pub. Off. Law art. 6. When the TLC proposed collecting such information, privacy advocates opposed the proposal so fervently in part because similar information that the TLC collected about taxi trips had already been used to track individuals' movements and reveal sensitive information about them.

As advocates explained to the TLC in 2017, drop-off locations—particularly in places like Bay Ridge, Bayside, Staten Island, and other neighborhoods with many single-family homes—can be used to identify passengers.⁹ Using the TLC's data on taxi trips, which includes drop-off and pickup times and locations, Todd Schneider found one trip where a rider traveled from Brooklyn Heights (the data showed the exact location) to an oceanfront home on East Hampton's Further Lane (again, the

⁹ Transcript of the New York City Taxi & Limousine Commission at 66:17-67:2, N.Y.C. Taxi & Limousine Comm'n 126, 130 (Jan. 5, 2017), https://www.nyc.gov/assets/tlc/downloads/pdf/transcript_01_05_17.pdf.

exact address was provided in the TLC's data).¹⁰ The owners of many houses on Further Lane can be easily identified using a simple online search.¹¹ Thanks to the TLC's data set, Schneider also knew that the person paid \$400 for the cab ride, including a \$110.50 tip.¹²

Anthony Tockar used the TLC's taxi dataset to identify certain celebrities' taxi trips, see where they went, and determine how much they tipped their drivers. He accomplished this by Googling images of celebrities getting into or out of taxis and consulting celebrity gossip blogs, and then comparing locations and times of celebrity sightings to the TLC's dataset—which includes locations, times, fares and tips.¹³ For example, on July 8, 2013, Bradley Cooper hailed a cab in order to escape photographers.¹⁴ But Tockar used the TLC's dataset to figure out that Bradley Cooper had taken the cab to the restaurant Melibea in Greenwich Village, and that

¹⁰ Todd W. Schneider, *Analyzing 1.1 Billion NYC Taxi and Uber Trips, with a Vengeance* (Nov. 2015), <https://toddschneider.com/posts/analyzing-1-1-billion-nyc-taxi-and-uber-trips-with-a-vengeance/>.

¹¹ See CassWorld, *Further Lane East Hampton 2026: Where Billions Meet the Beach* (Jan. 27, 2026), <https://sociallifemagazine.com/real-estate/further-lane-east-hampton-2026/>.

¹² Todd W. Schneider, *Analyzing 1.1 Billion NYC Taxi and Uber Trips, with a Vengeance* (Nov. 2015), <https://toddschneider.com/posts/analyzing-1-1-billion-nyc-taxi-and-uber-trips-with-a-vengeance/>.

¹³ Anna Johnston, *Bradley Cooper's Taxi Ride: A Lesson in Privacy Risk*, Helios Salinger (Apr. 19, 2015), <https://www.heliossalinger.com.au/2015/04/19/bradley-coopers-taxi-ride-a-lesson-in-privacy-risk/>.

¹⁴ Anthony Tockar, *Riding With the Stars: Passenger Privacy in the NYC Taxicab Dataset* (Sep. 15, 2014), <https://agkn.wordpress.com/2014/09/15/riding-with-the-stars-passenger-privacy-in-the-nyc-taxicab-dataset/>.

Cooper paid \$10.50 with no recorded tip.¹⁵ Jessica Alba also hailed a taxi outside the Trump SoHo hotel and paid \$9 with no recorded tip.¹⁶

Using the same technique, J.K. Trotter found that, on June 26, 2013 at 11:23AM, Karolina Kurkova hailed a cab at 112 Hudson St, and at 11:32AM, she arrived at her destination: 624 W. 26th St.¹⁷ Her fare was \$10 and she left a \$2 tip. On May 6, 2013 at 2:52PM, Jessica Biel hailed a cab from 342 Bowery, and took it to 8 E. 23 St, where she arrived at 3:07PM.¹⁸ Emma Roberts and Evan Peters hailed a cab at 875 Park Avenue on May 21, 2013 at 2:46 PM, and arrived at 533 E 84th St at 2:53PM.¹⁹ Their fare was \$6.50, and they tipped \$1.

The TLC's data can do more than reveal celebrities' and homeowners' travels. It can also be used to identify people who visit a particular establishment—which can then be used to infer their religion, sexuality, and other sensitive information about them.

For example, Tockar developed a map showing the drop-off addresses for each trip that had begun at a particular strip club: Larry Flynt's Hustler Club.²⁰ He then

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ J.K. Trotter, *Public NYC Taxicab Database Lets You See How Celebrities Tip*, Gawker (Oct. 23, 2014), <https://www.gawkerarchives.com/the-public-nyc-taxicab-database-that-accidentally-track-1646724546>.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Anna Johnston, *Bradley Cooper's Taxi Ride: A Lesson in Privacy Risk*, Helios Salinger (Apr. 19, 2015), <https://www.heliossalinger.com.au/2015/04/19/bradley-coopers-taxi-ride-a-lesson-in->

identified the most frequent drop-off spots, implying frequent customers.²¹ Because some of those drop-off locations had very few—or only one—residence(s) around them, Tockar was able to identify a customer’s address.²² Using the address, he was able to Google the customer’s name, and using websites like Facebook and Spokeo, he was able to find the customer’s photo, ethnicity, relationship status, property value, and court records.²³ Tockar also used the TLC’s data to find the customer’s other taxi trips, which included rides to “Rick’s Cabaret” and “Flashdancers.”²⁴ As Tockar concluded, “[e]quipped with this dataset, and just a little auxiliary information about you, it would be quite trivial for someone to follow your movements, collecting data on your whereabouts and habits, while you remain blissfully unaware.”²⁵

Tockar’s same technique could be used to identify likely Muslims by searching for all trips where the drop-off location was at or about 180 Burgher Ave—the Muslim American Society in Staten Island. The TLC’s data could even be used

[privacy-risk/](#); Anthony Tockar, *Riding With the Stars: Passenger Privacy in the NYC Taxicab Dataset* (Sep. 15, 2014), <https://agkn.wordpress.com/2014/09/15/riding-with-the-stars-passenger-privacy-in-the-nyc-taxicab-dataset/>.

²¹ Anthony Tockar, *Riding With the Stars: Passenger Privacy in the NYC Taxicab Dataset* (Sep. 15, 2014), <https://agkn.wordpress.com/2014/09/15/riding-with-the-stars-passenger-privacy-in-the-nyc-taxicab-dataset/>.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

to identify Muslim women with young children by filtering the data for trips where the drop-off occurred around 11am on Mondays—the start of the Muslim American Society’s Mommy & Me program.²⁶

The data could also be used to identify people who may have sought abortions or other reproductive healthcare, by searching for all trips where the drop-off location was a reproductive healthcare clinic. Both government actors and private actors have demonstrated an interest in tracking such visits,²⁷ and the TLC’s dataset could be a major boon to such efforts. The same tactic could be used to identify and track individuals who went to an Alcoholics Anonymous program, lawyer’s office, court, jail, prison, sex shop, news office, political party’s headquarters, or protest.

In fact, there are numerous instances of location information being used to identify and track people who attend protests. The Electronic Frontier Foundation analyzed searches of data collected through Flock Safety’s automated license plate readers between December 2024 and October 2025, and found that more than 50 federal, state, and local agencies searched the network in connection with protest

²⁶ See *Mommy & Me*, Muslim American Society, <https://massic.shop/product/mommyme/>.

²⁷ See, e.g., Joseph Cox, *A Texas Cop Searched License Plate Cameras Nationwide for a Woman Who Got an Abortion*, 404 Media (May 29, 2025), <https://www.404media.co/a-texas-cop-searched-license-plate-cameras-nationwide-for-a-woman-who-got-an-abortion/>; *How Mobile Device Capture-to-Social Works to Save Lives*, Veritas Society, available at <https://web.archive.org/web/20211203103204/https://veritassociety.com/digital-technology/>.

activity.²⁸ In 2019, Times Opinion obtained cell phone location data that allowed it to track the paths of demonstrators from the 2017 Women’s March to their homes.²⁹ In 2020, a liberal advocacy group used anonymized cellphone location data to track more than 400 individuals who had attended an American Patriots Rally against the governor’s COVID-19 stay-home orders.³⁰ Upon finding out about the tracking, one protester said he “would have left [his] phone at home.”³¹ Indeed, many of today’s protest guides advise people not to take smartphones with them, precisely so that they can avoid this type of location tracking. But no one who takes an Uber, Lyft, or another FHV can avoid being in the TLC’s dataset.

There is also nothing stopping federal agents from using the TLC’s dataset to identify and track immigrants. ICE has demonstrated an interest in using location information to track immigrants,³² and federal agents have arrested people in

²⁸ Dave Maass & Rindala Alajaji, *How Cops Are Using Flock Safety’s ALPR Network to Surveil Protesters and Activists*, Electronic Frontier Foundation (Nov. 20, 2025), <https://www.eff.org/deeplinks/2025/11/how-cops-are-using-flock-safety-s-alpr-network-surveil-protesters-and-activists>.

²⁹ Charlie Warzel & Stuart A. Thompson, *How Your Phone Betrays Democracy*, New York Times Opinion (Dec. 21, 2019), <https://www.nytimes.com/interactive/2019/12/21/opinion/location-data-democracy-protests.html>.

³⁰ Beth LeBlanc, *Tracking Michigan Protesters Raises Privacy, COVID-19 Spread Questions*, The Detroit News (Jun. 2, 2020), <https://www.detroitnews.com/story/news/local/michigan/2020/06/02/tracking-michigan-capitol-protesters-raises-privacy-covid-19-spread-questions/5224425002/>.

³¹ *Id.*

³² See, e.g., Faiza Patel & Matthew Ruppert, *ICE Wants to Go After Dissenters As Well As Immigrants*, Brennan Center (Nov. 21, 2025), <https://www.brennancenter.org/our-work/research-reports/ice-wants-go-after-dissenters-well-immigrants>; Joseph Cox, *ICE Taps Into Nationwide AI-*

immigration courts.³³ The TLC’s dataset contains every FHV trip to and from New York City immigration court, immigration lawyers’ offices, and organizations dedicated to serving immigrants. This data can help streamline agents’ attempts to surveil and apprehend immigrant New Yorkers, undermining the City’s status as a sanctuary city.³⁴

The Location Reporting Rules mandate the collection and reporting of information that many New Yorkers prefer to keep private. In New York City, where many people do not own cars and have no access to other forms of private transportation, FHV’s are often their only option. The Location Reporting Rules thus put New Yorkers in an impossible position—coerced to share private information in order to travel.

II. The Location Reporting Rules Intrude Upon Drivers’ Privacy.

The TLC’s dataset can also be used to learn sensitive, private information about drivers. For each trip, base owners must provide the TLC with the driver’s TLC Driver License number and the dispatched Vehicle’s License number. 35

Enabled Camera Network, Data Shows, 404 Media (May 27, 2025), <https://www.404media.co/ice-taps-into-nationwide-ai-enabled-camera-network-data-shows/>.

³³ Laura Romero et al., *In a New Tactic, ICE Is Arresting Migrants at Immigration Courts, Attorneys Say*, ABC News (Jan. 4, 2025), <https://abcnews.com/US/new-tactic-ice-arresting-migrants-immigration-courts-attorneys/story?id=122513021>; Arya Sundaram, *The Annual ‘Check-In’ With ICE: Now a Fraught Event for Migrants*, Gothamist (Oct. 27, 2025), <https://gothamist.com/news/the-annual-check-in-with-ice-now-a-fraught-event-for-migrants>.

³⁴ Cf. N.Y.C. Admin. Code § 10-178(c) (prohibiting the use of city resources for immigration enforcement).

R.C.N.Y. § 59B-19(a)(1). Even if the TLC attempts to anonymize the data, it will still be apparent which trips were completed by the same vehicle, and it will sometimes be possible to identify the driver from that information. For example, it might be possible to infer which neighborhood a driver lives in based on where the majority of their trips start. Notably, the TLC also has a history of improperly anonymizing its data. In 2014, Vijay Pandurangan was able to de-anonymize the TLC’s entire taxi trip dataset such that it was possible to deduce which driver drove each trip, calculate a driver’s gross income, and infer where a driver lived.³⁵

Patterns in the TLC’s data can also reveal sensitive information about drivers. For example, Noah Deneau searched the TLC’s taxi data for drivers that had low activity within 30–45 minutes of Muslim prayer times in order to identify devout Muslim drivers.³⁶ Luckily, Deneau’s goal was not to out specific drivers—it was “about proving that . . . very personal information always lurks in supposedly

³⁵ Vijay Pandurangan, *On Taxis and Rainbows: Lessons From NYC’s Improperly Anonymized Taxi Logs*, Medium (June 21, 2014), <https://medium.com/vijay-pandurangan/of-taxis-and-rainbows-f6bc289679a1>; Alex Hern, *New York Taxi Details Can Be Extracted from Anonymised Data, Researchers Say*, The Guardian (June 27, 2014), <https://www.theguardian.com/technology/2014/jun/27/new-york-taxi-details-anonymised-data-researchers-warn>.

³⁶ Lorenzo Franceschi-Bicchierai, *Reddit Cracks Anonymous Data Trove to Pinpoint Muslim Cab Drivers*, Mashable (Jan. 28, 2015), <https://mashable.com/archive/redditor-muslim-cab-drivers>.

anonymous data troves.”³⁷ But similar techniques could easily be used to out, dox, track, and otherwise harm drivers with certain behavioral patterns.

Unlike Plaintiffs-Appellants in this case, many individual drivers lack the resources and means to sue the City to vindicate their rights infringed upon by the Location Reporting Rules. The Location Reporting Rules put drivers’ and passengers’ privacy at risk, and New Yorkers would be safer without them.

CONCLUSION

In 2026, it is clearer than ever that amassing data on New Yorkers’ travel patterns can and will cause real harm. *Amicus curiae* thus supports Plaintiffs-Appellants’ appeal to reverse the District Court’s decision and protect the serious privacy interests of drivers and passengers of for-hire vehicles.

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³⁷ *Id.*

CERTIFICATE OF COMPLIANCE

I certify that this brief complies with Federal Rule of Appellate Procedure 32(a)(7)(B) because it contains 2,976 words, excluding the portions of the brief exempted by Rule 32(f). I further certify that this brief complies with the typeface and type-style requirements of Rule 32(a)(5)–(6) because it is printed in a proportionally spaced 14-point font, Times New Roman.

/s/ Brian Perbix

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