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Date: 4/25/2023

Re: Letter in Support of the OMNY Privacy Act (S.6142 Senator Fernandez)

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**We, the undersigned organizations, support the OMNY Privacy Act (S.6142 Senator Fernandez) and urge the legislature to pass, and the Governor to sign, this bill.**

New York City is in the process of shifting its public transit system to a payment method known as “OMNY.” OMNY allows New Yorkers to swipe their credit cards, or an OMNY card linked to their bank account, to ride the subway or bus. While OMNY has its advantages, the ability to link an individual to a complete history of their transportation is an invasion of privacy. Worse, the OMNY terms of use have no provision to prevent either the MTA or the private vendors it employs from sharing this data directly with NYPD or ICE.

New Yorkers have a right to travel through the city without being tracked by the government and private entities. Cell phones, and their location history, can be turned off. But if a subway ride is tied to one’s bank account, tracing movements across the city becomes trivial. Nobody’s whereabouts should be turned over to the police and ICE. In light of New York’s commitment to being a sanctuary, communities particularly affected by this could include undocumented New Yorkers, individuals coming from out-of-state for abortion care or gender affirming care, and political protesters, among others.

Furthermore, not every New Yorker has a credit card or a bank account. Electronic payment systems – whether they accept credit cards directly or specialized cards tied to bank accounts – exclude individuals who do not have access to these financial services. This excludes the most vulnerable New Yorkers, particularly poor and undocumented, and disproportionately Black, brown, and immigrant New Yorkers. These are also the New Yorkers who rely most heavily on public transportation.

The OMNY Privacy Act prohibits the MTA, other state public transit authorities, their vendors, and those with whom they share data from sharing individuals’ fare payment data with law enforcement without a warrant. It also requires the MTA and other state public transit authorities to include a cash payment option for transit cards in each station, with a capped cost.

By passing this bill, New York will help create a transit system that is safe, affordable, accessible, and privacy-preserving. For these reasons, we urge the legislature to pass and the Governor to sign the OMNY Privacy Act (S.6142 Senator Fernandez).

Ban Big Brother Coalition – Letter in Support of A.4638/S.1764  
4/25/2023

Sincerely,

Surveillance Technology Oversight Project (S.T.O.P.)  
The Legal Aid Society  
New York Immigration Coalition  
Legal Defense Fund (LDF)  
Arab American Association of New York  
Chinese-American Planning Council, Inc  
Fight for the Future  
Electronic Frontier Foundation  
LatinoJustice PRLDEF  
National Lawyers Guild – New York City Chapter Mass Defense Committee  
National Action Network  
Brooklyn Defenders  
Demand Progress  
Grassroots Advocates for Neighborhood Groups and Solutions G.A.N.G.S. Coalition  
Policing and Social Justice Project  
Yemeni American Merchants Association  
YAMA Action  
Emgage, New York Metro Chapter  
Muslim Community Network  
Freedom To Thrive  
Secure Justice  
Decoding Stigma  
Jim Owles Liberal Democratic Club  
NYU Center on Race, Inequality, and the Law  
Restore The Fourth NYC  
Defending Rights & Dissent  
Oakland Privacy  
Police Reform Organizing Project (PROP)  
Coalition for A District Alternative  
Defenders Clinic at CUNY School of Law  
No Ethics In Big Tech  
Surveillance Resistance Lab  
Aspiration  
RootsAction.org  
Amend4Rights  
TakeRoot Justice  
United We Dream  
PDX Privacy  
EFF-Austin