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**STATEMENT OF
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**BEFORE THE COMMITTEE ON TECHNOLOGY,
NEW YORK CITY COUNCIL**

**FOR AN OVERSIGHT HEARING ON LINKNYC AND THE DEPLOYMENT OF 5G
INFRASTRUCTURE AND WI-FI CONNECTIVITY IN NEW YORK CITY**

**PRESENTED
JUNE 7th, 2023**

Good afternoon, Chair Gutiérrez and members of the Committee on Technology. The Surveillance Technology Oversight Project (“S.T.O.P.”) is a New York-based civil rights and anti-surveillance group. S.T.O.P. advocates and litigates against discriminatory surveillance. Thank you for organizing this important hearing. We appreciate the opportunity to testify today on our concerns about LinkNYC’s impact on New Yorkers’ privacy.

Low-cost, reliable, broadband connectivity is not a luxury, and is increasingly indispensable to modern life. Bandwidth-intensive applications are ever more central to how New Yorkers work, learn, and live their lives. LinkNYC was created with the promise of fulfilling this vital public need, but recent revelations raise real concerns about its ability to serve the people of New York. While we believe that it is crucial for New York City to continue to prioritize the deployment of wireless connectivity, both through 5G cellphone service and Wi-Fi network access, additional scrutiny is needed to ensure that LinkNYC is truly able to deliver a network that lives up to our city’s needs.

One of the most immediate concerns is LinkNYC’s privacy track record. We have been glad to see CityBridge officials repeatedly reaffirm their company’s commitment to keep New Yorkers data secure. Unfortunately, the company’s privacy policy and terms of service continue to fall far short of meeting the standard that the company has described to this council and to the public. LinkNYC continues to reserve the right to track huge volumes of users’ data, monetizing our movements, and providing our data to law enforcement even when not required by law. CityBridge has been quick to claim that it doesn’t engage in many of the practices that its terms of service enable. And while that may be true, there is a world of difference between promising privacy and ensuring it as a legal right.

These concerns were only amplified by recent findings from [privacy and transparency audits](#). According to the 2022 reports, CityBridge unlawfully collected MAC addresses, IP data, subscriber data, and other identifying information from LinkNYC kiosks. Such practices not only were a security and privacy risk to New Yorkers, but in direct violation of its amended Privacy Policy and Franchise Agreement. Additionally, auditors found that CityBridge gave incomplete Terms of Use, and incorrect privacy policies to LinkNYC users.

These privacy failures are not momentous on their own, and we recognize that any technology provider will occasionally have technical lapses. However, we believe that these failures demonstrate a basis for heightened concern and oversight of LinkNYC operations, ensuring that these violations are not emblematic of more sustained or systemic shortcomings. Both the Council and the Administration must actively audit LinkNYC’s operations going forward, ensuring that these failings are not repeated or expanded.

The consequences couldn’t be higher. LinkNYC’s franchise agreement entrusts it to collect some of the most intimate information New Yorkers have. LinkNYC kiosks could easily be used to track political protesters, those seeking abortion care, or houses of worship. Their cell towers and Wi-Fi hotspots have the capability to not only track where we go, but who we speak with, and nearly everything we do online. CityBridge continues to emphasize that they do not engage in these sorts of practices, but press releases are not enough to provide New Yorkers with true peace of mind.

Since the 2022 audit, CityBridge issued a [remediation report](#) stating that it deployed MAC address anonymization and now ensures that users are provided with accurate Terms of Use and privacy information. While these are important steps forward, far more is needed to protect New Yorkers' data.

We commend the committee for holding this hearing and urge it to maintain its aggressiveness in its oversight of LinkNYC and CityBridge. This company repeatedly failed to meet its commitments to the city and people of New York. It has not only failed to provide New Yorkers with the economic returns they were promised (falling [\\$60 million](#) short of its projected ad revenue in 2019) but has also breached users' privacy rights.

CityBridge has been given millions of dollars in-kind support from our city, including real-estate, infrastructure, debt forgiveness, the waiver of installation goals, and other support. So far, this has been a one-sided deal, where CityBridge has frequently fallen short of its contractual obligations, and rarely (if ever) exceeded them. Such a troubled history necessitates unflinching scrutiny of every aspect of the firms' business practices.

Additionally, CityBridge provides the public peace of mind with an updated privacy policy and terms of service that make all of their past privacy promises binding. Our challenge for company leaders is this: for every reassurance you've provided today, for every promise you've made for the future, are those binding obligations, or just empty words? As long as those commitments clash with the company's, we have no choice but to assume those promises are more about PR than privacy.