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Friday, December 3, 2021

Dear Cansu,

Thank you for your letter dated November 29 2021, offering Uber the right of reply. We share your desire to ensure as accurate a representation as possible prior to the publication of the report. To that end, I have set out below some more information on how we make decisions using data, our commitment to transparency and our facial verification technology.

Hybrid Real Time Identification (HRTID)

To support public safety and compliance with our obligations as a licensed private hire operator, we introduced a Real-Time ID Check which prompts drivers to take a selfie to confirm that they are the same person who went through all the necessary screenings to drive on our platform. This check was created to tackle the serious industry-wide problem of driver impersonation whereby unlicensed, uninsured drivers fraudulently take private hire trips. Occurrences such as this are in breach of licensing requirements and present clear risks to public safety. Information about HRTID is accessible to drivers via the Uber app and also available on this [webpage](#).

You have referred to this technology as a "surveillance system which incorporates facial recognition". This is factually incorrect, the technology is not used for surveillance and is based on one-to-one facial verification only. You also state that the "introduction of facial recognition technology by the industry has been entirely disproportionate relative to the risk perceived." We would strongly oppose this view and believe that account sharing must be prevented to help ensure the safety of every rider and, equally importantly, preserve trust in good drivers. We stress that the risk unfortunately is real and not merely "perceived".

You state that "Uber's management and TfL have failed to ensure that appropriate safeguards" are in place. We strongly refute this. We have worked closely with TfL to ensure robust processes are in place so all drivers are treated fairly and proportionately. We ensure any decision to remove a driver from our platform is made by trained and empowered human reviewers, not by technology on its own.

Occasionally a check identifies people using the account who do not match the profile picture associated with the driver's account; or it detects attempts to bypass the identification system by submitting a 'photo of a photo'. In these scenarios, our systems ensure that a human review process is conducted by specialists. Additionally, all UK drivers are able to choose whether they want their selfie to be checked by human reviewers or by facial verification technology each time they are requested to submit a selfie.

A driver's account will only be deactivated if human reviewers confirm a mismatch between photos - the reviewers can (and do) override the technology if they believe the technology has made a mistake. In instances where drivers are deactivated due to photo mismatch they are given 21 days to appeal the decision by attending an Uber Greenlight Hub and providing proof that they are the person in the selfie.

We did not take the decision to introduce facial verification technology lightly. We know from work by academics and activists that such technology has historically worked worse for people with darker skin complexions. This is why we conducted internal fairness testing to make sure the technology we use works well for users with all skin complexions. Our testing found no evidence that the technology is flagging people with darker skin complexions more often.

We have identified such risks as part of the Data Protection Impact Assessment (DPIA) we conducted and which we continue to keep under review. We have presented the DPIA to various Data Protection Authorities who have provided us with their feedback. This included on the remedies we have in place, including the choice between human or automated verification, and ensuring all checks with negative results are subject to a human review.

Other reasons for deactivation

As explained to drivers on the public webpage mentioned earlier we use systems that monitor the HRTID process itself to identify cases where there may be a number of different people using the same account. If these systems detect behaviour such as this, for example when we detect two different devices logging into the same driver account at approximately the same time to respond to the HRTID check, our human reviewers may still decide to deactivate the account, even if the driver has passed the photo verification.

We treat account sharing with the utmost seriousness and prudence. We are acutely aware of the potential consequences for drivers, riders, and public safety as a whole, in the event that licensed drivers are able to share their driver account with another person. This is why we remain open to constructive feedback to help us improve our processes and operations.

How Uber matches drivers with riders

In the draft report you cite some concerns relating to what information Uber uses to match drivers with trip offers. We can state unequivocally that Uber does not use anything other than geographic information and the driver's self-selected preferences (e.g. they may request to be offered trips that take them in the direction of home), when matching drivers in the UK to riders.

To be clear and specific: Uber does *not* use individual behavior or performance when matching drivers with riders. It is based on location together with road and traffic conditions, rather than based on who they are, how they behave or perform. This enables a consistent, reliable and fair service for all users. Additionally, suggestions that Uber offers variable pricing based on user-profiling is completely unfounded and factually incorrect. How our matching technology works can be found [here](#).

From time to time and as part of our driver loyalty program, we offer drivers incentives that can rely on other factors – but these are entirely voluntary and drivers are free to ignore them without penalty. These benefits vary per market, and the public statements you refer to from Uber are meant to cover its operations globally. Nevertheless variations can apply in different countries and localities. The recent changes in Uber’s global Privacy Notice reflect global practices, but do not apply to the UK market.

Sharing information with law enforcement

Uber is committed to continually improving the safety of our platform and supporting safety in the communities where we operate. Uber has a specialised team dedicated to working with law enforcement agencies around the world, the Law Enforcement Response Team. This team reviews and responds to each law enforcement request Uber receives.

Uber is also committed to the protection of our users’ data. Uber stores and uses user data as described in our [Privacy Notice](#) and [Terms of Use](#) applicable to each jurisdiction where we operate. Importantly, Uber only discloses personal data to law enforcement in accordance with applicable laws and by following due legal process. More information on our approach to this important topic can be found [here](#).

Right of access and individual cases

We have not responded in this letter to individual cases to protect the privacy and other rights of the individuals involved. However, we do want to stress we have well established processes in place to respond to data requests from our users that have been tested in court, in particular in relation to the privacy and other rights of the riders we cannot infringe on when responding to requests from drivers.

Of course, if users feel they did not receive all the information they are legally entitled to, our specialised privacy teams are available to respond to requests. We are constantly improving our responses to protect and honour the privacy and other rights of both the drivers and the riders, and we remain open to constructive feedback to help us improve our processes and operations.

In addition drivers also have the right to contact Ubers Data Protection Officer for any issue they may have with the processing of their personal data, contact details are available [here](#).

More broadly, we recognise the value that technology brings to providing the best and safest possible experience to everyone on our app. Good communication with drivers is central to this. Drivers can get in touch with us 24 hours a day, 7 days a week, or can attend one of our 21 Greenlight Hubs across the country where they can discuss and resolve issues. We will always remain open to constructive feedback to help us improve our processes.

We trust this has helped clarify the issues raised in your report and provided the information you need to correct the inaccuracies.

Sent on behalf of the Uber Data Protection and Cybersecurity Team.