

RIDE-SHARING APPS AND PRIVACY IN PAKISTAN

A DETAILED STUDY ON THE PRACTICES
OF UBER AND CAREEM



Digital
Rights Foundation

Ride-Sharing Apps and Privacy in Pakistan: A Detailed Study on the Practices of Uber and Careem

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We would like to thank Privacy International for their guidance and support during the drafting of this report.



ABOUT

Digital Rights Foundation (DRF) is an advocacy and research-oriented organization working on issues of online freedom of expression, digital privacy, accessibility and online violence. Founded in 2012, DRF envisions a free, open and inclusive internet in Pakistan, regionally and globally. Digital Rights Foundation is a feminist organization and works towards making the internet a safer space for all—especially women.



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EXECUTIVE SUMMARY

Careem entered the Pakistani market in late 2015, and Uber entered shortly thereafter in mid-2016. Since then, the use of ride-share applications has been on the rise in Pakistan. With many seeing such applications as necessary substitutes for an otherwise unreliable and sometimes inaccessible public transport system, this convenience also exposes its users to new vulnerabilities. Findings in this study - after review of the privacy policies of both companies, a literature review of scholarship in this area, an interview with the Careem legal team, a consumer survey of approximately 348 participants, and a focus group with 8 drivers or 'partners' - indicate that the companies behind these services are lacking in their protection and ethical use of personal data, in their provision of safe workplaces for drivers and safe services for users, especially women.

OBJECTIVE

'Real-time ride-sharing' refers to services that bring together the concept of commuting in a city with the use of technology. A commuter can request a ride on a ride-sharing app instantly, through an internet enabled smartphone device, with just the click of a button. Ride-sharing is less expensive than cab services because such companies employ individual contracted drivers who use their personal cars, while being insured by the company they are working for.

Naturally, since one has to share personal data with the application and with drivers while calling a cab, including name, location, and phone number, the handling of real-time data, concerns regarding privacy, have been raised. The regulation of such services is a primary concern, particularly when background checks concerning the drivers working for such companies, and the rating system customers can use to evaluate their experiences with the drivers has direct impact on their earning potential.

Moreover, it is important to effectively gauge the privacy policies these companies espouse. It is the aim of this study to assess the practices, governance, and user experiences of these services in Pakistan to answer key questions as to the rights of citizens, especially with a view to the enhanced vulnerability of women and minorities. In the absence of personal data protection legislation, what are the implications of the data collected, utilized, and stored by these companies? Is the average user, be it a driver or a rider, aware of the security policies of the companies, be they digital policies or otherwise? Do women experience these services differently than men?

METHODOLOGY

METHODOLOGY

The research methodology for this report is based on both quantitative and qualitative research as well as primary and secondary data. Access to primary data was limited given the reasons explained below.

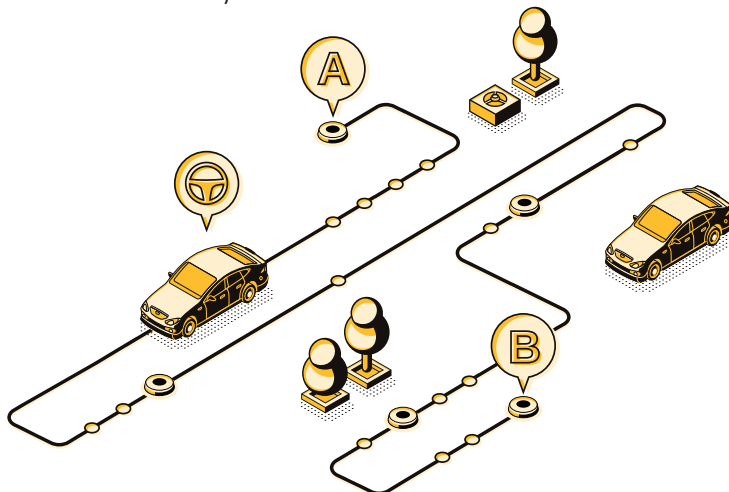
This study emanates from the expertise of the researchers, based on their work in relation to issues of privacy, surveillance and data protection for Digital Rights Foundation (DRF). DRF is at the forefront of issues concerning internet rights in Pakistan, and has been working extensively on the right to privacy and digital surveillance in recent times. Therefore, the desk research for this study is inevitably built upon previous experience. The team delved into literature and policies to conduct relevant secondary research for the study. A literature review was conducted of research that was already conducted on these subjects. Furthermore, legislation and policies concerning privacy and the concerned companies were evaluated for this report.

The biggest research complication experienced during fieldwork has been transparently studying the breaches of privacy on part of the companies, due to the obfuscation with regards to how the personal data of users is shared and privacy is breached. The researchers understood at the outset that efforts at attempting to gauge this would be at the surface level, as actual breaches of users' privacy cannot adequately be brought to light.

Essentially, the research is qualitative in nature. Firstly, primary research tools were heavily dependent upon in-depth formal and semi-formal interviews that were semi-structured in nature. Interviews were sought with the top management and employees of ridesharing companies to gauge their approach and policies towards user and privacy data, and their perspective regarding such services. Careem cooperated, although the interview questions had to be sent to the UAE office for response, as the interview with the Careem office in Pakistan revealed no information, though it was reiterated by the Careem representative that different departments did possess this information in Pakistan. An interview could not be conducted with Uber despite the efforts of researchers. Secondly, a focus group discussion was conducted with 8 drivers (7 males, 1 female) who work for either one or both companies to analyze the pre-selection screening and training mechanism they go through. Thirdly, the researchers relied on direct observation in the field as well as online to substantiate their work.

There is also a quantitative component to the research, whereby the team conducted online surveys around Pakistan with approximately 348 customers/users of such applications to gauge issues faced by them and their satisfaction level with the services. The questions were in English, and it was advertised using social media, namely 'Facebook' and 'Twitter'. The survey exercise itself served to encourage the users to consider the privacy and data protection policies of such companies, and what steps they would wish for such companies to take in order to protect their data and overall personal security.

Moreover, the researchers used feminist methodology to analyse and value the experiences of women, thereby allowing change in the knowledge production process. As a researcher, one has to realize that methodology itself is a complex political process and so it is important, as 'feminist' researchers, to problematize the power imbalance between the researcher and the researched from the very beginning, if the research is ultimately meant to be from a gender perspective, not only in terms of analysis but also with respect to changing people's lives (for the better, hopefully). As per Feminist Standpoint Theory, a sociological method from the "standpoint of women", the social sciences should always be studied from a feminist perspective. The questions the researchers ask and the way they locate themselves within the questions and the purpose of the work is an important consideration. The researchers for this study are both users of these ride-sharing applications and primarily women. It is worth acknowledging that their positionality and experiences were the starting point for this research. According to Nancy Hartsock, "At bottom feminism is a mode of analysis, a method of approaching life and politics, rather than a set of political conclusions about the oppression of women."¹ According to her, the power of feminist method helps researchers connect everyday lives with the analysis of the social institutions that shape those lives.



¹ Nancy Hartsock "The feminist standpoint revisited and other essays." 1998 Boulder, Colorado: Westview Press

CONTEXT



CONTEXT

The sharing economy, also often referred to as “collaborative consumption”², can be defined as the coordination of the “acquisition and distribution of a resource for a fee or other compensation”³. It can also be defined as the facilitation of “trusted transactions between strangers on digital platforms”⁴. Indeed, Uber, Careem, Airbnb and other companies utilise mobile apps and website presence as key transaction components of their business models. This allows ordinary people - supporters of the sharing economy model argue - to be entrepreneurs, allowing them to use their own assets (vehicles, or homes in the case of Airbnb) to create revenue.

The informal nature of the sharing economy, however, has also given rise to a growing backlash, both against individual companies - Uber in particular - and the nascent industry itself. Studies such as the aforementioned by the European Union and Data & Society Research Institute are part of a growing body of academic research literature and news reports that catalogue the necessity for stronger regulation of the informal economy.

Where the regulatory framework governing services such as Careem and Uber is unclear at best, stakeholders are made vulnerable to negative impacts, whether they are foreseen, or intended, or neither. The impact Uber and Careem have had on the privacy of stakeholders in the Pakistani market must be investigated.

² Daniel Christian Wahl, “Collaborative consumption and peer-to-peer collaboration” 17 August 2017 <https://medium.com/age-of-awareness/collaborative-consumption-and-peer-to-peer-collaboration-d6e40c04e2e2>

³ Cristiano Codagnone and Bertin Martens (2016). Scoping the Sharing Economy: Origins, Definitions, Impact and Regulatory Issues. Institute for Prospective Technological Studies Digital Economy Working Paper 2016/01. JRC100369 <https://ec.europa.eu/jrc/sites/jrcsh/files/JRC100369.pdf>

⁴ Calo and Rosenblat, “The Taking Economy: Uber, Information, and Power” 4 April 2017 <https://datasociety.net/blog/2017/04/04/the-taking-economy-uber-information-and-power/>

a) **UBER**

A San Francisco, USA-based ride-sharing and food delivery company, operating in 570 cities worldwide, with legal recognition that varies from region to region of operation.

In December 2015, Uber received a valuation of around US \$68 billion, through private investors including venture capital investments. It has been suggested that recent scandals regarding privacy, sexual harassment/assault and intellectual property theft accusations – which will be further outlined later - have reduced its valuation, as of April 2017, to approximately \$50 billion. As Uber is not traded publicly, an accurate picture regarding the buying or selling of shares in the company, or indeed its actual market value, cannot be gauged precisely⁵.

In addition to VC investment, Uber also received US \$3.5 billion in investment from Saudi Telecom in June 2016⁶.

According to an interview with Bloomberg, however, Uber's net revenue as of April 2017 was US \$6.5 billion, with (adjusted) net losses of US \$ 2.8 billion⁷.

b) **CAREEM**

A transportation network and ride-sharing company based in Dubai, United Arab Emirates, operating in over 50 cities in Middle East, South Asia and Africa.

As of December 2016, Careem is valued at US \$1 billion⁸ after a US \$350 million investment by Saudi Telecom, Saudi Arabia's state-owned telecommunications company, and Rakuten, the Japanese investment firm. Saudi Telecom as of the time of this review owns 10% of Careem.⁹

⁵ Anita Balakrishnan, "Scandals may have knocked \$10 billion off Uber's value, a report says" 25 April 2017, CNBC <http://www.cnbc.com/2017/04/25/uber-stock-price-drops-amid-sexism-investigation-greyballing-and-apple-run-in-the-information.html>

⁶ Noah Smith "Shares of a Publicly Traded Uber Might Be Crashing" 27 June 2017, Bloomberg <https://www.bloomberg.com/view/articles/2017-06-27/shares-of-a-publicly-traded-uber-would-be-crashing>

⁷ Eric Newcomer, "Uber, Lifting Financial Veil, Says Sales Growth Outpaces Losses" 14 April 2017, Bloomberg <https://www.bloomberg.com/news/articles/2017-04-14/embattled-uber-reports-strong-sales-growth-as-losses-continue>

⁸ Madeline Farber, "Uber's Middle East Rival Just Got a \$1 Billion Valuation" 19 December, 2016, Fortune <http://fortune.com/2016/12/19/careem-uber-rival-1-billion/>

⁹ Zahraa Alkhalisi, "Uber's Mideast rival is worth \$1 billion after Saudi investment" 19 December, 2016, CNN <http://money.cnn.com/2016/12/19/technology/careem-saudi-arabia-investment/index.html>

c) LIMITATIONS, CHALLENGES AND ETHICAL CONSIDERATIONS

The research remained an overt research at every stage of the process. Consent of the informants was taken and purpose of the research was shared with the informants. Further, we addressed the issues of reflexivity, ethics, reciprocity, and representation in the research during self-reflection.

We remain cognizant of the limitations of our findings, such as the relatively small size of the focus group leading to insights that are potentially not homogenous for all drivers of Careem and Uber. Moreover, while all efforts were made to get an interview with Uber representatives, they were not willing to grant the same, so our findings lack information from this source.

LEGAL LANDSCAPE

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In January 2017, the government of Punjab moved to ban Careem and Uber after issuing a notification¹⁰ that stated that the two ride-hailing services were operating outside the regulatory bounds in Lahore. The notification was soon picked by the Sindh provincial government¹¹ and the services of the two companies were halted in Karachi as well. Notifications by the two governments were issued to PTA to immediately cease the operations of Careem and Uber's apps. It was also mentioned that "Uber and Careem must take fitness certificate".

The two governments implied that the ride-hailing services are using private vehicles for the purpose of commercial activities, and must take route permit and excise license. It's important to note here that the companies have been working in Pakistan since 2015, and the issue was raised in 2017 without mentioning the laws that Uber and Careem violate. However, the companies were back in business in a matter of 48 hours, and the negotiation agreement was not made public.

Further, the Chairman of the Punjab IT Board - Umar Saif - said that the government is working on an "innovative business model" under which both Careem and Uber will be regulated by the authorities. He also added that the plan will follow along the lines of that in Malaysia, Egypt, and Indonesia where he ride-hailing services are treated as "network service providers."

In January 2017, the government of Punjab moved to ban Careem and Uber after issuing a notification that stated that the two ride-hailing services were operating outside the regulatory bounds in Lahore.

Careem's position, as stated in the response from its legal team, is that "the applicable company law is the Companies Act 2017. The transport aspect is governed by the Motor Vehicles Ordinance, 1965". Careem further stated that "although no specific law on the technology exists, the Prevention of Electronics Crimes, Act 2016 may be of closest relevance". This leaves the companies largely

¹⁰ Imtiaz Ali, Imran Gabol, "Punjab govt moves to ban Careem and Uber" 31 January, 2017, Dawn <https://www.dawn.com/news/1311858>

¹¹ Muhammad Farooq, "After Punjab, Careem and Uber banned in Karachi" 31 January, 2017, Samaa <https://www.samaa.tv/pakistan/2017/01/after-punjabcareem-and-uber-banned-in-karachi/>

unregulated in Pakistan, especially in the absence of personal data protection legislation.

Pakistan is not the only country where any of the ride hailing services have faced legal notices. In multiple instances, countries around the world have issued rulings to Uber on account of different complaints and problems the authorities have noted. In October 2016, an employment tribunal in the UK ruled¹² that the controversial service must treat its drivers as workers of the organisation and grant them their right to claim minimum wage and holiday pay. Uber's spokesperson informed that the company has been granted right to appeal¹³ against the ruling.

Bulgaria temporarily suspended¹⁴ Uber's services in 2015 on account of unfair trade practices that don't comply with minimum requirements of local legislation. In March 2017, Uber was to shut down its services¹⁵ in Denmark after the introduction of new taxi laws that made taxi metres compulsory for Danish taxi drivers. In April 2017, Italy imposed¹⁶ nationwide ban on Uber after a Rome judge ruled in favor of Italy's major taxi associations that the ride-hailing service amounted to unfair competition.

A New York Times report¹⁷ revealed that Uber had been using software codenamed "Greyball" to deceive global law enforcement agencies, by identifying the possible authorities and present a dummy version of the app to them populated with ghost cars to evade capture.



This leaves the companies largely unregulated in Pakistan, especially in the absence of personal data protection legislation.

¹² Hilary Osborne, "Uber loses right to classify UK drivers as self-employed" 28 October, 2016, The Guardian <https://www.theguardian.com/technology/2016/oct/28/uber-uk-tribunal-self-employed-status>

¹³ Robert Booth, "Uber granted right to appeal against ruling on UK drivers' rights" 19 April, 2017, The Guardian <https://www.theguardian.com/technology/2017/apr/19/uber-appeal-uk-employment-ruling-drivers-working-rights>

¹⁴ Staff, "Uber suspends services in Bulgaria", 6 October, 2015, The Sofia Globe <http://sofiaglobe.com/2015/10/06/uber-suspends-services-in-bulgaria/>

¹⁵ Jon Henley, "Uber to shut down Denmark operation over new taxi laws", 28 March, 2017, The Guardian <https://www.theguardian.com/technology/2017/mar/28/uber-to-shut-down-denmark-operation-over-new-taxi-laws>

¹⁶ Nick Statt, "Italy issues a nationwide Uber ban", 7 April, 2017, The Verge <https://www.theverge.com/2017/4/7/15226400/uber-italy-ban-court-ruling>

¹⁷ Mike Isaac, "How Uber Deceives the Authorities Worldwide", 3 March, 2017, The New York Times <https://www.nytimes.com/2017/03/03/technology/uber-greyball-program-evade-authorities.html>

a) Employee Status

Photo by Victor Xok

Uber and Careem's official position is that the drivers working for them are not employees but partners, or contractors. This takes away the drivers right to claim overtime charges and other perks that companies provide their employees. This can also exclude them from the benefit of any internal complaint procedure against for instance, sexual harassment at the workplace.

This relationship as defined by Uber - or as Uber aims to define it - has come under fire, with a number of lawsuits filed in European courts by Uber drivers, citing violation of employment rights. In October 2016 a UK employment court ruled in favour of two Uber drivers who argued - on behalf of 19 other Uber drivers - that they were employees of Uber, rather than self-employed. The court ruled that the Uber drivers were not self-employed, and must be paid the "national living wage."¹⁸ May 2017 saw Uber's case before the EU Court of Justice that the "car-hailing application is just that, an app" rejected. The company had claimed that because they were a technology company, they should be exempt from normal EU transportation obligations, an argument that the EU rejected.¹⁹

Uber also operated for six months in the state of Alaska in the US before pulling out its services after facing a dispute on whether the drivers are individual contractors or registered taxi drivers.

¹⁸ Hilary Osborne, "Uber loses right to classify UK drivers as self-employed" 28 October, 2016, The Guardian <https://www.theguardian.com/technology/2016/oct/28/uber-uk-tribunal-self-employed-status>

¹⁹ Stephanie Bodoni, "Uber Suffers Setback in Clash With Cabbies at EU's Top Court" 11 May, 2017, Bloomberg <https://www.bloomberg.com/news/articles/2017-05-11/uber-suffers-setback-in-eu-court-aide-s-opinion-on-legal-status-j2k4mf4n>

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Our focus group revealed that Uber drivers, and Careem drivers as well, indicated that they were aware of their status as 'partners' or 'contractors', and were not employees of their respective companies. None of the participants of the focus group sought to be identified as an employee, nor indicated that this would be more favorable. The participants agreed that

their legal status granted them the freedom to stop and start working at their leisure.

However, the Uber drivers expressed concerns about the number of new drivers being added by the company which reduced demand for rides considerably. This led to unfavourable conditions where most drivers were unable to hit their ride quota to qualify for bonuses. Moreover the focus group revealed that in the case of disagreements with customers, the companies would mostly side with the customer regardless of the driver's position on the matter. Over half the drivers in the focus group perceived this as a form of class discrimination – they are not as educated as their average customer, and hence the company does not take them seriously. Thus although drivers wish they had greater say in the policies and strategies of the companies, gaining employee status did not appear to be one of the routes through which they sought to achieve this.



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RIDE-SHARING THROUGH A GENDERED LENS



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It is apparent that groups that are already vulnerable in society are likely to be more adversely affected by breaches of data security. This was also reflected in the results of our quantitative and qualitative research, as those with the most safety concerns and perhaps negative experiences were most likely to choose to participate in the survey. Women, gender non-conforming individuals, individuals perceived as such, and religious minorities that can be identified as such from their names or appearance, feel more unsafe in Ubers and Careems, and are vulnerable to more immediate dangers as a result of their information vesting in those companies.

In other countries, Uber has run into trouble²⁰ for some serious breaches of privacy, such as when a rape survivor sued the company for digging into her medical records in India.²¹ In this case, a rape survivor sued the company and alleged that Uber executives had violated her privacy and illegally obtained medical records to cast doubt on her claims of being raped. Uber's failure to conduct adequate background checks was evident when it was revealed that the man was facing charges in four other criminal cases at the time of the attack.²² Other examples, such as that of an Uber driver allegedly assaulted an unconscious passenger,²³ also exist to demonstrate that such cases are not a one-off incident²⁴ thereby highlighting Uber's overall problematic approach to gender issues.

With the identified perpetrators often having criminal records, the background checks these companies ask for become a major issue. The focus group revealed that the requirement of a police report which certifies that the driver has no criminal

²⁰ Himanshi Nagpal, "Uber And Yet Another Tale Of Not Believing A Rape Survivor" June 14, 2017, Feminism India <https://feminisminindia.com/2017/06/14/uber-eric-alexander/>

²¹ AFP, "Rape Victim Sues Uber for Digging into Medical Records" 16 June, 2017, Dawn <https://www.dawn.com/news/1339899>

²² Julia Carrie Wong, "Woman raped by Uber driver in India sues company for privacy breaches" 15 June, 2017, The Guardian https://www.theguardian.com/technology/2017/jun/15/uber-india-woman-rape-lawsuit?CMP=tw_t_gu

²³ K.C. Baker, "Uber Driver Allegedly Took Unconscious Female Passenger To Motel and Sexually Assaulted Her", 27 June, 2017, People <http://people.com/crime/uber-driver-allegedly-sexually-assaults-unconscious-passenger-took-her-motel/>

²⁴ Sam Levin, "Female Uber driver says company did nothing after passengers assaulted her", 01 May, 2017, The Guardian <https://www.theguardian.com/technology/2017/may/01/uber-sexual-assault-allegations-female-drivers-san-diego>

record are a fairly new addition in Pakistan. All drivers for both Careem and Uber stated that they provided their original Computerised National Identity Cards, driving licenses, documents of their vehicles, and an electricity or phone bill of their current addresses. Drivers who had joined either company recently, i.e. within the past year, stated that they were required to give a police report, and drivers who had been employed for 1.5 years or more stated that there was no such requirement. They stated that they had never been asked to submit a police report, indicating that even after the policy was put in place, it appears that it is not being used to ask existing drivers to update their records. This raises serious questions about the trust passengers are placing in these companies before taking rides with them. Furthermore, if these companies are failing to regulate themselves to the extent that their own policies are not homogeneously applied to their workers, perhaps the market is not doing enough to encourage them to regulate, and oversight is needed. It is worth noting that a driver who worked for both Uber and Careem stated that the requirement of a police report was initiated by Uber first, and then adopted by Careem.

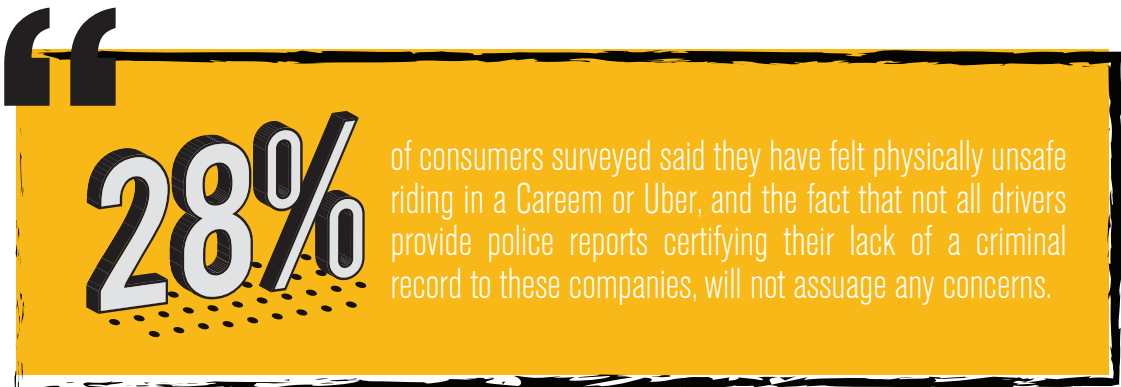


All drivers for both Careem and Uber stated that they provided their original Computerised National Identity Cards, driving licenses, documents of their vehicles, and an electricity or phone bill of their current addresses.

It also appears that much of the security measures in place are retrospective in nature – determined by complaints passengers make after having taken the ride with the driver. For example, the focus group unanimously agreed that there is a zero tolerance policy in place at both Careem and Uber for a driver using another driver's account and driving in his place. If a passenger reports the person driving the vehicle was not the person whose credentials appear on the app at the time of the journey, the account-holding driver's partnership with the company is terminated immediately. This does not serve as a preventative measure, rather a deterrent, although it is difficult to argue that this is nearly enough to discourage criminals from misusing the application to perpetrate crimes. It should be noted that 28% of consumers surveyed said they have felt physically unsafe riding in a Careem or Uber, and the fact that not all drivers provide police reports certifying their lack of a criminal record to these companies, will not assuage any concerns.

Another retrospective method to improve drivers' performance overall is through the rating system, i.e. each individual ride being rated by the customer ex post facto. If the ratings of a driver drop below a certain level, they lose out on peak time bonuses. However, one member of the focus group revealed that the Careem call center employees have the ability to artificially alter this rating and on occasion will do so if the driver can make a case for the same. The fact that it is possible to alter the rating may reduce the effectiveness of the rating system overall in encouraging drivers not to make passengers uncomfortable.

Uber's questionable internal company practices are widely known, some of which have been brought to light in the USA by Susan Fowler, a former engineer with Uber, with details of how sexist and hostile²⁵ Uber's work environment actually is for women. The company's problematic practices²⁶ have been exposed²⁷ through detailed accounts of harassment and institutional backwardness on part of the company, and propelled the company to launch an internal investigation into its workplace culture. There have been other examples of sexism²⁸ and overall misconduct on part of Uber's senior management,²⁹ as well as its board members, which have led several key players in the business to resign.³⁰



²⁵ Himanshi Nagpal, "Uber And Yet Another Tale Of Not Believing A Rape Survivor" June 14, 2017, Feminism India <https://feminisminindia.com/2017/06/14/uber-eric-alexander/>

²⁶ AFP, "Rape Victim Sues Uber for Digging into Medical Records" 16 June, 2017, Dawn <https://www.dawn.com/news/1339899>

²⁷ Julia Carrie Wong, "Woman raped by Uber driver in India sues company for privacy breaches" 15 June, 2017, The Guardian https://www.theguardian.com/technology/2017/jun/15/uber-india-woman-rape-lawsuit?CMP=tw_t_gu

²⁸ K.C. Baker, "Uber Driver Allegedly Took Unconscious Female Passenger To Motel and Sexually Assaulted Her", 27 June, 2017, People <http://people.com/crime/uber-driver-allegedly-sexually-assaults-unconscious-passenger-took-her-motel/>

²⁹ Sam Levin, "Female Uber driver says company did nothing after passengers assaulted her", 01 May, 2017, The Guardian <https://www.theguardian.com/technology/2017/may/01/uber-sexual-assault-allegations-female-drivers-san-diego>

³⁰ Sam Levin, "Female Uber driver says company did nothing after passengers assaulted her", 01 May, 2017, The Guardian <https://www.theguardian.com/technology/2017/may/01/uber-sexual-assault-allegations-female-drivers-san-diego>

In another instance, the female employees of Uber claimed³¹ that the male co-workers, including Travis Kalanick, have been using lactation room to meditate or attending phone calls. In an attempt to improve its reputation, it was also revealed that Uber has fired at least 20 employees on account of their investigation on workplace harassment.

There have also been accounts of privacy breaches on Uber's part, such as their attempt to dig up embarrassing information on journalists³² to make points in arguments.³³



Uber's then CEO Travis Kalanick also undertook more measures to contain the fallout after Susan Fowler's expose by looking into how diverse the company was. However as the Chief Executive of the company at the time, Kalanick was known to set the combative tone at its workplace for a long time. He also called the company 'Boob-er'³⁴ because of how it helped him attract women in a GQ interview in 2014. A link can be established between the founder's encouragement of competitiveness and lack

of scrutiny with regards to regional offices, and its complicated internal politics, which did not make way for firings, and shielded problematic managers from accountability over their actions.

³¹ Julia Carrie Wong, "Sex, Naps, and Meditation: men caught misusing workplace breastfeeding rooms", 9 June, 2017, The Guardian

<https://www.theguardian.com/lifeandstyle/2017/jun/09/men-using-lactation-rooms-breastfeeding-at-work>

³² Johana Bhuiyan, Charlie Warzel, "'God View': Uber Investigates its Top New York Executive for Privacy Violations" 18 November, 2014, BuzzFeed

https://www.buzzfeed.com/johanabhuiyan/uber-is-investigating-its-top-new-york-executive-for-privacy?utm_term=.vblBq2joG#.liDPwY6gd

³³ Alex Hern, "Uber Investigates Top Executive After Journalist's Privacy Was Breached", 19 November, 2014, The Guardian

<https://www.theguardian.com/technology/2014/nov/19/uber-investigates-top-executive-after-journalists-privacy-was-breached>

³⁴ "Is Uber the worst company in Silicon Valley?", 18 November 2014, The Guardian

<https://www.theguardian.com/technology/2014/nov/18/uber-worst-company-silicon-valley>

However, Kalanick ended up taking an indefinite leave while Uber was trying to move past its tumultuous history. Eventually, in the wake of these instances, Travis Kalanick was asked to resign³⁵ from his position as CEO after pressure exerted by the board members who previously supported³⁶ Kalanick.



The focus group participants could not settle on a set time period that this training lasted, indicating that it varies. One participant, who had undergone this initial training at both Uber and Careem, stated that this lasts 15-20 minutes. Other drivers said it last 1-2 hours, and one said it lasted 3 hours.

This culture permeates through the ranks and across Uber worldwide and our focus group indicates that both Uber and Careem have had many instances of harassment which have gone unreported. Our focus group revealed that a female driver, who worked for both Uber and Careem faced harassment by passengers who would save her phone number during the ride, and call her number after the ride had ended. (This is prior to the call-masking feature becoming operational at Uber, where the calls between driver and rider are routed through an official number and personal numbers are not made available. This feature existed in Careem as of November 2017, and was introduced in Uber in late 2018, although drivers still sometimes share numbers to make picking up passengers easier). When asked whether she had faced harassment as a result of her work, she answered in the negative. However, in answering another question she stated that she had a separate phone number for her driving accounts, and blocked all the numbers who would call her without reason. When asked how many numbers she had to block in order to avoid receiving unsolicited calls from unknown men, she stated that it was approximately 250. She found this irritating but did not label this as harassment. The fact that she seemed unable to define this as a form of harassment, and did not consider this serious enough to report the sheer number of unsolicited calls to the management of either company indicates that no action is being done to tackle this on a company level. This indicates that the drivers have not been given effective sexual harassment training where the definition of workplace harassment are discussed and

³⁵ Sam Byford, "Travis Kalanick resigns as Uber CEO", 21 June, 2017, The Verge <https://www.theverge.com/2017/6/21/15844836/uber-ceo-resigns-travis-kalanick>

³⁶ Mike Isaac, "Uber Board Stands by Travis Kalanick as It Reveals Plans to Repair Its Image", 21 March, 2017, The New York Times <https://www.nytimes.com/2017/03/21/technology/uber-board-stands-by-travis-kalanick.html>

mechanisms for complaints are provided.

All members of the focus group mentioned the mandatory induction training session they received before joining Uber and Careem. The focus group participants could not settle on a set time period that this training lasted, indicating that it varies. One participant, who had undergone this initial training at both Uber and Careem, stated that this lasts 15-20 minutes. Other drivers said it last 1-2 hours, and one said it lasted 3 hours. All participants identified that customer care – specifically not to harass passengers by asking them intimate questions, looking at them in the rear view mirrors, or calling them unnecessarily – was included in this training. When asked whether there were updated trainings or refresher sessions, they agreed there were none, with some pointing out that drivers can be asked to attend again if there have been customer complaints about their behaviour. One participant pointed out that these sessions also contain a run through of how to use the application, and drivers who want to review this tend to take the session again for this purpose.

This indicates that unsolicited attention from the driver and rider is somewhat addressed in the trainings, which all drivers undergo before being able to start working. However, if instances of the same are never highlighted by the few female drivers that exist, this indicates that there is a lack of support from the management, who have not created a comfortable and safe work environment. The female member of the focus group indicated that she was respected in the Careem offices for “being brave, and taking all kinds of journeys, not just within the most affluent areas of the city”. But the notion that she has to be ‘brave’ to do this work is problematic in itself. When asked what hurdles translate in there being so few female drivers in both companies, she stated “This isn’t an easy job for women, you need strength and determination. We all know what the society is like; there are good people, but there are plenty of people who need shut-up calls when they step outside their limits”.

Problems with unwanted contact and unpleasant experiences, which can escalate to harassment exist with drivers and riders alike.

Of the consumers surveyed,

46%
experienced unwanted
conversation

24%
experienced inappropriate
comments

15%
experienced unwanted
contact after the ride
had ended

9%
experienced inappropriate jokes

6%
experienced undesirable flirting

5%
experienced comments of a
sexual nature

2%
experienced unwanted touching





PRIVACY, DATA PROTECTION AND SURVEILLANCE: SOME KEY ISSUES

PRIVACY, DATA PROTECTION AND SURVEILLANCE:

SOME KEY ISSUES

Uber has come under intense criticism with numerous reports of alleged violations of user privacy, going back as early as 2014, when it was first accused of tracking users without their knowledge or consent, using software developed in-house.³⁷ Uber has been unable to deal with many of the privacy issues in the use of its application. The company continues to violate the privacy of the users of their app and services, in spite of making public statements to the contrary. The violation has extended, for instance, to reports of sensitive medical information of victims of sexual assault being looked up by senior Uber personnel, as well reports of Uber allegedly tracking some users even after the app has been deleted from their phones.³⁸

The user information collected by Uber, Careem and other ridesharing companies is of great interest to governments, with some requesting access to that user database for surveillance purposes. An article³⁹ by the New York Times highlighted how Egypt's military government requested access to Uber's internal user data-collection software, also known as "Heaven". Uber denied the request, but the New York Times article reports that a similar request was made of Careem - which "serves three million Egyptians" - with preferential treatment being offered if the data of its Egyptian customer base were to be shared with the country's military intelligence agencies. According to Careem, they also denied requests by the Egyptian government.



According to their privacy policies, they (Uber and Careem) are liable to share the customer information on a case-to-case basis in countries where the law binds them.

³⁷ Johana Bhuiyan, Charlie Warzel, "'God View': Uber Investigates its Top New York Executive for Privacy Violations" 18 November, 2014, BuzzFeed

<https://www.buzzfeed.com/johanabhuiyan/uber-is-investigating-its-top-new-york-executive-for-privacy>

³⁸ Kate Cox, "Uber Reportedly Tracked iPhones Even After the App was Deleted, Bought Lyft Receipts", 26 April, 2017, Consumerist

<https://consumerist.com/2017/04/24/uber-reportedly-tracked-iphones-even-after-the-app-was-deleted-bought-lyft-receipts/>

³⁹ Declan Walsh, "Dilemma for Uber and Rival: Egypt's Demand for Data on Riders", 10 June, 2017, The New York Times

<https://www.nytimes.com/2017/06/10/world/middleeast/egypt-uber-sisi-surveillance-repression-careem.html>

Companies such as Uber and Careem may not have a choice, however, given that laws in certain jurisdictions require companies such as the two ridesharing giants to share their data with the government, and to establish servers in the country.

According to their privacy policies, they (Uber and Careem) are liable to share the customer information on a case-to-case basis in countries where the law binds them. Uber's privacy policy⁴⁰ states,

"We may share your information:

For legal reasons or in the event of a dispute

Uber may share your information if we believe it is required by applicable law, regulation, operating agreement, legal process or governmental request, or where the disclosure is otherwise appropriate due to safety or similar concerns.

This includes sharing your information with law enforcement officials, government authorities, airports (if required by the airport authorities as a condition of operating on airport property) or other third parties as necessary to enforce our Terms of Service, user agreements or other policies, to protect Uber's rights or property or the rights, safety or property of others, or in the event of a claim or dispute relating to your use of our services. If you use another person's credit card, we may be required by law to share information with that credit card holder, including trip information.

This also includes sharing your information with others in connection with, or during negotiations of, any merger, sale of company assets, consolidation or restructuring, financing, or acquisition of all or a portion of our business by or into another company.

Please see Uber's Guidelines for Law Enforcement Authorities for more information.

With your consent

Uber may share your information other than as described in this policy if we notify you and you consent to the sharing."

⁴⁰ Uber Privacy Policy: Other Important Sharing <https://www.uber.com/legal/privacy/users/en/>

Whereas, Careem's policy⁴¹ states,

“In response to a request for information by a competent authority if we believe disclosure is in accordance with, or is otherwise required by, any applicable law, regulation, or legal process;

With law enforcement officials, government authorities, or other third parties to enforce or apply our Terms of Service, to investigate potential breaches or if we believe your actions are inconsistent with our Terms of Service, or to protect the rights, property, or safety of Careem or others.”

The point to note here is that this set of data not only holds user's name and number, but also the places they frequently visit, their real time location, their whereabouts, the data in their phone, and the likes. Currently no transparency reports are generated by both companies to understand the extent of government-company cooperation in terms of data sharing.

With governments all over the world expanding the surveillance powers of their intelligence agencies - as well as data-sharing agreements with other nations - the user data collected by sharing economy companies becomes a potential treasure trove⁴² that can place many in danger.

In our survey, 82% of customers indicated that they were not comfortable with Uber/Careem sharing their data with third parties. When asked about Uber/Careem sharing data with Law enforcement agencies and government authorities, 65% responded that they were not comfortable with this. 92% of customers surveyed stated that Uber and Careem should not be sharing data with third parties without notifying customers.



Currently no transparency reports are generated by both companies to understand the extent of government-company cooperation in terms of data sharing.

⁴¹ Careem Privacy Policy: Sharing of Personal Data - Other Important Sharing
<https://www.careem.com/karachi/privacy-policy>

⁴² “The world's most valuable resource is no longer oil, but data”, 6 May, 2016, The Economist
<http://www.economist.com/news/leaders/21721656-data-economy-demands-new-approach-antitrust-rules-worlds-most-valuable-resource>

Uber and Careem representatives in Pakistan were approached in order to gain information from a direct source regarding the choices the companies were making with regard to data. However, Uber refused to cooperate, although they were approached multiple times. On the other hand, the Careem legal team responded to a set questionnaire through email, after a face to face interview with their PR representative in the Karachi office which resulted in no definite answers.

When asked why Careem accesses users' "MAC Address, IP address, SMS data, transaction information, browsing history information, searching history information, and registration history information", Careem responded by saying that they "do not currently collect all of this information as a matter of standard procedure, but have given themselves the flexibility to so collect if required". They added that "at present, they do collect certain device-specific information (such as MAC Address and IP Address) in order to enable (them) to uniquely identify the devices of captains and clients. This is an important aspect of (their) operations because, amongst other things, it allows (them) to monitor and thwart fraudulent activity from captains and clients and helps Careem to respond quickly in the event that a captain or client is in an emergent situation."

When asked what privacy protection protocols are in place at Careem, the legal team responded as follows:

“

Privacy is a high priority at Careem. We have a number of measures in place to protect information provided to us by captains and clients. For example, all personal information that we receive from captains and clients is collected and stored in an encrypted format. In addition, we have processes in place to secure any transfer of personal information on our platform and any communication on the platform between captains and clients. Our aim is to review and improve our current privacy policies and procedures on an ongoing basis.

Careem was also asked what user data/metadata is collected by the company. Additionally it was enquired if someone uninstalled the app and deleted their account, how long this user data/metadata was kept by the company afterwards.

Careem's legal team's response is as follows:

“

From users, we generally collect names, email addresses and phone numbers (with the phone number being verified through SMS). We collect the same from our captains, in addition to certain government identifications such as a drivers' license.

Officially, our policy is to retain data for a period of five years, however we do not have a deletion process in place and account information currently remains on our system indefinitely as part of our system's back-up and recovery process. We are able to manually delete relevant account information if requested from a user.

We also enquired as to how Careem secures personal customer data, and whether that process has been audited/reviewed by independent third parties, and whether a copy of the most recent security audit report can be obtained. The response received is as follows:

“

We store all personal customer data in an encrypted form in RDS (managed MySQL) database in Amazon (AWS) Ireland Data Center. In addition, personal customer data is transmitted when needed over secure and encrypted HTTPS protocol. Internally, personal customer data is accessible to Careem personnel only on a need-to-know basis and with the use of internal tools that are only selectively available internally.

We have never had the process audited by an independent third party but we are constantly reviewing and working to improve our systems to comply with or exceed industry standards in each of our markets and internationally.

We enquired as to the data retention period, particularly if a customer deletes both their app and their account with the company. Careem's response is as follows:

“

Officially, our policy is to retain data for a period of five years, however we do not have a deletion process in place and account information currently remains on our system indefinitely as part of our system's back-up and recovery process. We are able to manually delete relevant account information if requested from a user.

Careem was also asked about the company's Standard Operating Procedures (SOPs) regarding data retention and storage, especially in the context of the August 2016 passage of the Prevention of Electronic Crimes Act (PECA).

Careem's response is as follows:

“

We store all personal customer data in an encrypted form. The personal customer data is accessible to Careem personnel only on a need-to-know basis in order to fulfil their employment duties and the use of internal tools are only selectively available internally. With respect to storage, we use Amazon (AWS) data storage facilities and services in Ireland.

The following is Careem's input on the tools they have in place to protect against cyber attacks:

“

We have various tools in place to protect against cyber-attacks and security vulnerabilities in accordance with industry standard, including but not limited to DDoS protections, rate limiting, IP blacklisting and using captcha and other standard measures. We collaborate with AWS and certain security companies and other partners on a regular basis to continue to enhance our security measures. We experience cyber-attacks on a regular basis but we have managed to thwart material attacks with our security tools. We are open to disclosing based upon freedom of information requests.

We also raised concerns with regard to Careem's Privacy Policy, wherein under "Sharing of Personal Data: Other Important Sharing", it states that,

Careem may share the personal user information with; Careem intermediaries and affiliated entities; Vendors, consultants, marketing and advertising partners, and other service providers who need access to such Personal Data to carry out work on our behalf or to perform any contract we enter into with them;

Third parties in connection with, or during negotiations of, any merger, sale of company assets, consolidation or restructuring, financing, or acquisition of all or a portion of our business by or into another company;

If we otherwise notify you and you consent to the sharing;

Thus we asked if Careem takes informed consent from the users before sharing this information. Careem's response is as follows:

“ By registering with the application, a user must agree to our terms and conditions. Use of the application on an ongoing basis signifies consent to our terms of use and privacy policy.

Our survey revealed that approximately

68%

of the users did not know how their data is used, stored and shared.

27% stated they were somewhat aware of this information, and only 5% answered in the affirmative.

Moreover, 48% of those surveyed stated that they were only somewhat aware of the data they had provided to rideshare applications in the first place.

There is disconnect between Careem's idea of seeking 'informed consent' and the Pakistani customer's granting of this consent.

“

82%

of customers indicated that they were not comfortable with Uber / Careem sharing their data with third parties.

We also asked whether Careem had ever taken consent from the users before sharing their information in the past, and if so, whether they could state the circumstance in which it was required to obtain and share that information.

Careem responded as follows:

“

As a general policy, we only use user information in connection with the driving services (for example, to share trip information with a driver or limo company). In the near future, we will be introducing a login-authentication tool as a service. This will provide additional solutions to our clients through other third party applications. This tool will request explicit consent from clients prior to disclosing information to any third party application. Consent will be able to be revoked at any time by the users.

This response indicates that none of these ‘solutions’ are currently in place, and casts doubt over whether consent before third party sharing isn’t specific consent for specific purposes after all, and instead overarching sharing under the vague reasoning of ‘in connection with the driving services’.

Moreover, it should be noted that when asked in our survey whether they would allow it if Careem and/or Uber asked permission to share their information stored on their server with a third party (like marketing agencies for targeted ads), 87% of customers surveyed answered in the negative.

Careem further stated that customers have the option to opt out of sharing their information with third parties by not using the application, and that “use of the application signifies consent”.

When asked what happens to the data once it is handed over to third parties, and the measures taken to ensure it remains secure, Careem stated:

“

Once handed over, the data continues to be stored by us and the other party. While in transit, it is shared as metadata over a secure file system sharing tool. The third party independent contractors that provide the driving services are subject to confidentiality obligations and compliance with applicable law, however we have no direct control over them so cannot comment on their internal procedures.

To answer the questions as to who is authorised to access the data saved on the app and to what extent, whether the entire travel history of the consumer stored on the app is accessible to the call center representatives, and how Careem ensures there isn't a breach of customer privacy on the Careem agent's level, Careem had the following response:

“

Client data is accessible to Careem personnel only on a need-to-know basis and with the use of internal tools that are only selectively available internally. Travel history is stored on the app and accessible to call center representatives. We have strict privacy protocols in place to protect against breach, as well as fraud detection and quality assurance measures. In general, call center representatives are only authorized to access an account in connection with a request or concern from a client and only to the extent required to address such request or concern. Any material breach of protocol from a call center representative will result in immediate termination.

KEY FINDINGS OF THE RESEARCH



KEY FINDINGS OF THE RESEARCH

Complaint mechanisms are the only recourse for women who feel unsafe on the apps:

Uber has no local call centre and therefore it is harder for the average customer to access. Careem does have a helpline, although one surveyed customer who has difficulty hearing could not utilise it as they insisted they take the call to provide assistance / process the complaint further. Additionally,



of customers surveyed stated that Careem's reporting mechanism is easy, while only



of customers surveyed said that Uber's reporting mechanism was easy.

Surveyed customers were also asked what their experience has been with each company's customer service facilities in the event of trouble with Uber and/or Careem services. In response, 19% responded by saying good experience with Careem, bad experience with Uber, and 3% responded good experience with Uber and bad experience with Careem. In response to another question, 15% of customers surveyed stated that Uber doesn't take complaints seriously but Careem does; while 2% stated Careem doesn't take complaints seriously, Uber does. Overall, it appeared that in many cases, neither Careem nor Uber replied to the complaints at all.

The focus group reported that Uber seems stricter with drivers who break rules, or have complaints against them, resulting in drivers' accounts being blocked for the week. Careem drivers stated their account could be blocked too, however correspondence with the Careem office, often in person if necessary, could resolve the issue faster and allowed the driver to begin working again.

Background Checks and Screening:

During the focus group, it was discovered that Uber introduced the requirement of a police report first, and Careem followed suit. However, neither Uber nor Careem ask pre-existing drivers to provide the same to update their records in accordance with the more recent policy. Both companies ask for multiple forms of identification and car documents, however, only Careem has 'PakWheels' examine the vehicle in question before clearing it for use. Uber's cars are not examined by Pak Wheels or an equivalent company to verify whether it meets a set standard for use.

The existence of privacy policies:

Both Careem and Uber have privacy/data policies. However, the focus group revealed that none of the drivers were aware of the existence of any such policy, and its existence had never been indicated to them. One driver went as far as to say that such a policy is not necessary, and that the kind of data they (the drivers) provide and that customers provide is not sensitive in nature. Moreover,



of customers surveyed stated that they had not read Careem and/or Uber's privacy policies.

Thus it is clear that many individuals, both partners and customers may be unaware of the implications of the unwanted sharing of their data, and the policies that claim to protect it.

The quality of privacy protocols and policies:

Both Uber and Careem have questionable data policies, in that they share data with third parties whose internal policies they likely have no control over (and hence data is essentially vulnerable to a whole new degree once transmitted) and that their privacy policies are not homogenous across the world (although the GDPR in Europe will force them to fall in line with the same, similar benefits are not as likely to be experienced by users in Pakistan, who do not have data protection legislation to safeguard their interests). The Uber policy has a separate section for EU citizens, affording them basic rights, such as correction and deletion, neither of which are afforded to the Pakistani user, although applications can be made for the latter (and are likely not to be fully acquiesced to). When asked whether they would, at any point, want all their data deleted from Uber / Careem servers, 84% of the customers surveyed answered in the affirmative.

Moreover, it seems neither Uber nor Careem has a provision which requires it to disclose when it has experienced a breach in its security and the data of its employees or customers has been compromised. In late November 2017, it was revealed that in 2016 Uber's database had been hacked, with the data of 57 million users being stolen, but Uber remained silent about the hack. Similarly, on April 23, 2018, Careem revealed that its servers were hacked in January 2018 and users weren't notified for four months. However 78% of customers in our survey indicated that they would continue to use these services regardless.

“

When asked whether they would, at any point, want all their data deleted from Uber / Careem servers,

84%

of the customers surveyed answered in the affirmative.

RECOMMENDATIONS



RECOMMENDATIONS

Recommendations to the Government:

- 1** Personal data protection legislation must be enacted, which provides regulation for rideshare applications and their approach to data protection of users.
- 2** In order to maintain car quality and provide a secondary check on driver credentials outside of Uber and Careem's own framework, the government should grant licenses to drivers who wish to work as a partner, and for cars of a certain quality to be used for rideshare purposes. The procedure must be quick and cost-effective so as not to hamper the ability of drivers to gain livelihood.
- 3** The government should require Careem and Uber to conduct regular security audits, the reports of which must be made publically available.

Recommendations to Careem and Uber:

- 1** Both Uber and Careem should regularly train and retrain all its employees in gender sensitivity, customer dealing etc.
- 2** Both Uber and Careem must have local call centers, physical complaint offices, and online complaint mechanisms which operate in all regional languages and are accessible to the differently abled.
- 3** Both Uber and Careem should provide an update on the action taken / not taken with reasoning to every complainant within a reasonable time of making a complaint.
- 4** Both Uber and Careem should take strict action in case of complaints of harassment, especially if it is targeted towards a minority.
- 5** Uber should have a unified standard for car quality that is assessed by a third party before a car is allowed for use and these checks should be repeated periodically.
- 6** Both Uber and Careem should run specific campaigns in each city of operation to encourage women to sign up as drivers to improve the gender divide in the partners.

- 7** In the event of a security breach, both Uber and Careem must inform the entities whose data security has been compromised at the earliest possibility, and the companies must be held accountable for the same.
- 8** Both Uber and Careem must develop a framework for informed consent to be obtained from drivers and customers for data collection, use and sharing. Data sought should be restricted to necessary data and should not be shared with third parties without specific and separate consent unless absolutely necessary.
- 9** Both Uber and Careem must develop detailed and comprehensive privacy policies specific to Pakistan as well as workplace harassment policies that create safer workplaces for drivers. These policies should be available publicly and within the application as well (both in English, Urdu, and regional languages in its areas of operation). In case of privacy policies being updated, the user should be informed within the app and through email.



CONCLUSION

Photo by Maksym Kaharlytskyi

CONCLUSION

The use of rideshare applications is on the rise and is unlikely to see a decline in the near future. There is need to maintain healthy competition between companies providing this service, which ought to be based on non-price features such as customer service, security, etc, and which should create an environment which allows for the entry of new players in this market. The evolution of these companies ought to happen in light of the findings in this report, feedback from customers and civil society, and most importantly, in light of the legal, ethical and social trends seen globally with regard to privacy and the protection of personal data, the implications of which extend much farther than just digital spaces, and have real world implications.