



PORTLAND BUREAU OF TRANSPORTATION

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Chloe Eudaly Commissioner **Chris Warner** Director

EXHIBIT A

TNC Driver's Committee Meeting – April 12, 2021 Revised for Committee Consideration

The proposed language below may appear in a new section of code or Administrative Rule if recommended by the committee and approved by the Bureau Director and/or City Council.

Topic: Deactivated or Lost Access to Drivers (Ombuds and TNC Investigation Process)

- A. Permitted TNC companies must cooperate with Ombud's program to attempt to resolve disputes with drivers and support and foster the goodwill and trust between our community, the TNC drivers, and the Transportation Network Companies.
- B. Within 10 calendar days permitted, TNC companies will provide documentation requested by the Ombuds office to investigate driver complaints made to the Ombud's program. Documentation may include but not be limited to:
1. Complaints filed by riders related to the driver
 2. All documents, statements, or evidence provided by the riders
 3. Copies of all correspondence between the TNC and the rider(s) and drivers
 4. Relevant facts used in arriving at the decision to deactivate the driver's account, such as facts pertaining to the incident(s) that prompted the deactivation
 5. In situations where the driver has been accused of unlawful sexual assault by the rider, regardless if the police have been notified, the TNCs shall not be required to provide any information to the Ombud's office unless the rider is first notified by the TNC of a driver appeal and the rider agrees to have their information released and/or be interviewed by the Ombud's office. In cases where there is an ongoing criminal investigation, the investigating agency must also agree to this sharing of information
- C. The release of any of the following information to the driver associated with the investigation should be severely limited. It shall not be released without first meeting with the TNCs to discuss the investigative necessity of disclosure. However, the authority to share this information with the involved driver rests with the Ombud's office. This information may include:

1. Specific date and time the alleged incident occurred
2. The name of the rider that files the complaint or other known riders in the vehicle
3. Account information related to the passenger
4. Passenger contact information and any other personal information
5. Exact quotes from or summaries of the passenger or victim's original complaint

- D. All investigation materials will remain with the Ombud's office and shall not be placed into the public record.
- E. At times, the driver may want to provide dashcam video evidence to the Ombuds. In such a case, the Ombuds should consult with the TNC. When the rider's privacy (based on the number of rides given on a specific day) can be maintained, the Ombud's may request that the driver provide a copy of all of their activities on a particular day. If privacy cannot be maintained, the Ombuds may need to request and present the video for two or more dates for the TNC to review.
- F. On request, the TNC company will review additional information provided by the Ombuds during the complaint process, re-interview drivers if appropriate due to new relevant information, and consider a reversal of the prior decision by TNC company.
- G. When requested by the Ombuds office, the TNC rep(s) must meet and discuss documents and complaints. Meeting requests shall be submitted via email and shall occur within ten calendar days from the request's date unless both parties agree to a mutual date.
- H. Permitted TNC companies may enter into a non-disclosure agreement with the Ombuds team and supply the Ombuds team with documentation related to the internal decision-making process or reasoning, including any algorithms, presumptions, or standards that were applied in determining whether a driver would be notified of a rider complaint or low rider rating, or removed from (deactivated) from the driver platform.
- I. All information provided to the Ombudsman will be shared via a secure platform to protect sensitive personal data in accordance with relevant privacy policies and requirements.