



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Robert M. Ponce</i> 21 FEB 2019		GENERAL MANAGER ACTION REQ'D:		
DATE: 2/4/2019		BOARD INITIATED ITEM: No		
Originator/Prepared by: Maureen Wetter Dept: Marketing and Research <i>M. Wetter</i> Signature/Date: 2/19/19	General Counsel <i>[Signature]</i> 2/20/19 []	Controller/Treasurer <i>[Signature]</i> 2/20/19 []	District Secretary []	BARC <i>[Signature]</i> 2/19/2019 []

Surveillance Ordinance Use Policy and Impact Report: BART Research

PURPOSE:

To obtain Board authorization to implement the use of certain research methodologies that may fall under BART's Surveillance Ordinance. These methodologies are referenced in the attached Surveillance Use Policy and Surveillance Impact Report.

DISCUSSION:

The District's Surveillance Technology Ordinance defines a "Surveillance Technology" in part as, "...any electronic device or system with the capacity to monitor and collect audio, visual, locational...or similar information." Research methodologies that may meet this definition include those using electronic or mobile data collection. BART is proposing to use such electronic or mobile data collection methodologies for research purposes.

Consistent with the District's Surveillance Technology Ordinance, staff has developed a Surveillance Use Policy and Surveillance Impact Report for this topic, "BART Research: Data collection & usage for research and learning."

Pursuant to the Ordinance, the Board was notified 21 days in advance, and the Public was notified 15 days in advance (via posting on bart.gov and advertisement in several newspapers within the District) of this BART Research Surveillance Use Policy and Surveillance Impact Report. This item is further described below:

BART Research: Data collection & usage for research and learning

BART conducts research for a variety of purposes, including providing market information and metrics to help inform District decisions related to strategic planning, budget priorities, station access policy, marketing strategy, and other areas. Research methodologies using

electronic and/or mobile technologies may collect locational information for purposes such as to facilitate "in the moment" ratings of BART facilities (to improve accuracy of ratings), or to analyze travel behavior. Audio and/or visual information may be collected to help explain reasons for customer ratings, to be used as a resource when documenting focus group research, or for quality control purposes. Participation in BART surveys and focus groups involving these technologies is strictly voluntary, and customers may opt-out at any time. In addition to facilitating expanded research capabilities, use of these technologies results in faster and less expensive data collection by eliminating the need to manually enter survey results.

FISCAL IMPACT:

This EDD is requesting approval for the use of Surveillance Technology, not the funds. Funding approval for Surveillance Technology, if required in the future, will be handled by separate action.

ALTERNATIVES:

Do not approve the use of research methodologies using technologies that collect audio, visual, or locational information. If this occurred, the District would not be able to take advantage of new research technologies that could increase the speed and accuracy of data collection/reporting while reducing cost. For example, instead of using a smart phone app to record trips, travel diary participants could be asked to manually fill out complex and lengthy forms to record all trips taken by members of their household during a given week, resulting in participant frustration and incomplete information.

RECOMMENDATION:

Adoption of the following motion:

MOTION:

The Board has determined that the benefits of data collection and usage for research and learning as described above outweigh the costs that may be incurred by such activity, and the proposed Surveillance Use Policy will reasonably safeguard civil liberties and civil rights. The Board approves the attached impact and use reports, "BART Research OEA-BMRDDCU-SUP-06" and "BART Research OEA-BMRDDCU-SIR-06." The General Manager or her designee is authorized to proceed with the use of data collection and usage for research and learning as described in these reports.