

USING TECHNOLOGY TO ENHANCE THE PASSENGER EXPERIENCE – LEGAL ISSUES

INTEGRATION OF IT AND LEGAL TEAMS

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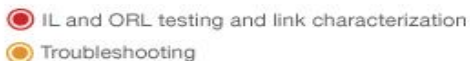
May 1st, 2019

AGENDA

- Introductions
- Art/Technology Installation at MSP
- Distributed Antenna System (“DAS”) at DFW
- Noise Monitoring Technology at MSP
- Emerging Technologies
- Data Security and Protection
- Non-Disclosure Agreements
- Integrating Legal and IT Teams

DISTRIBUTED ANTENNA SYSTEM

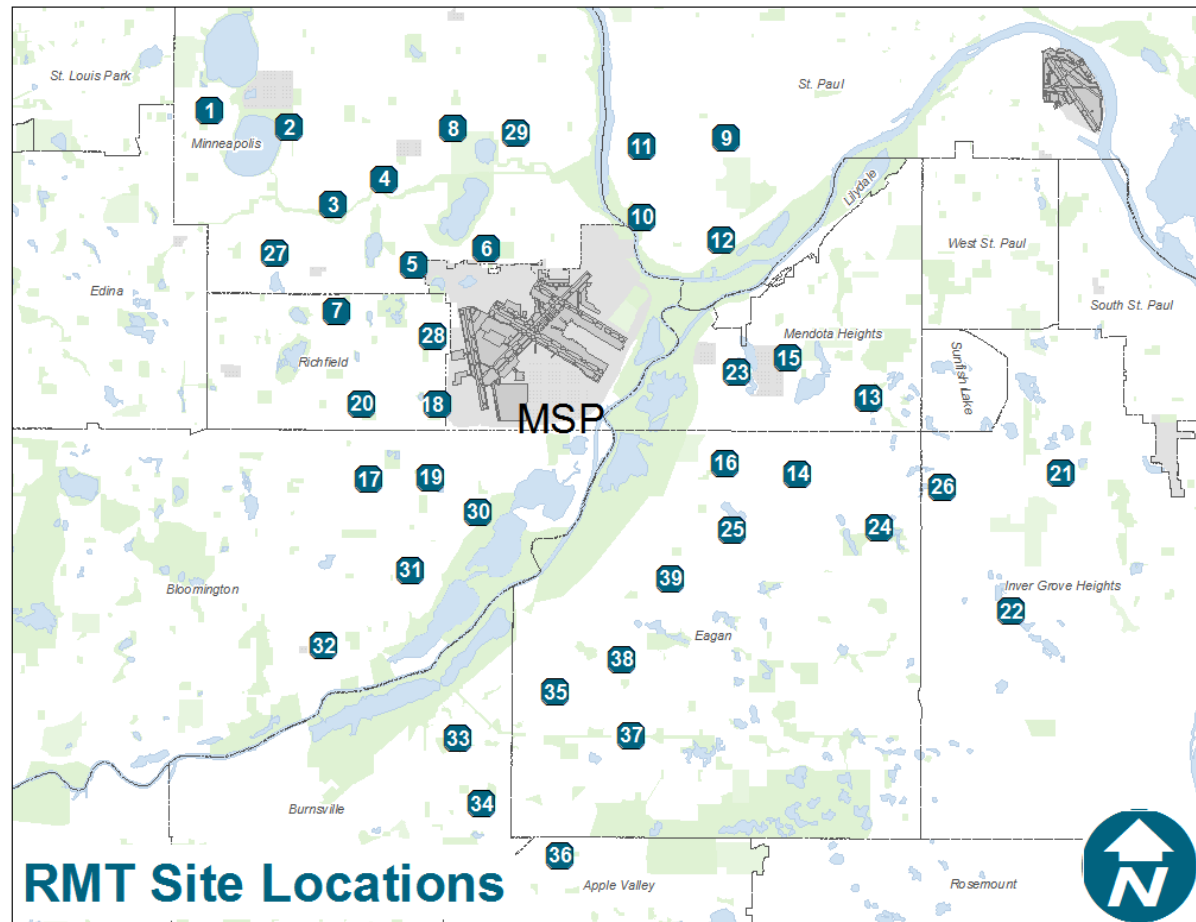
- What is a Distributed Antenna System (“DAS”)?
 - DAS is a network of cellular antennas in a common space. It’s technology that increases wireless cellular capacity in a particular location. DAS networks can be installed in-doors, like arenas, or outdoors (“oDAS”), like university campuses.
 - DAS is not “small cell.”
 - Subject to FCC Order 14-153.



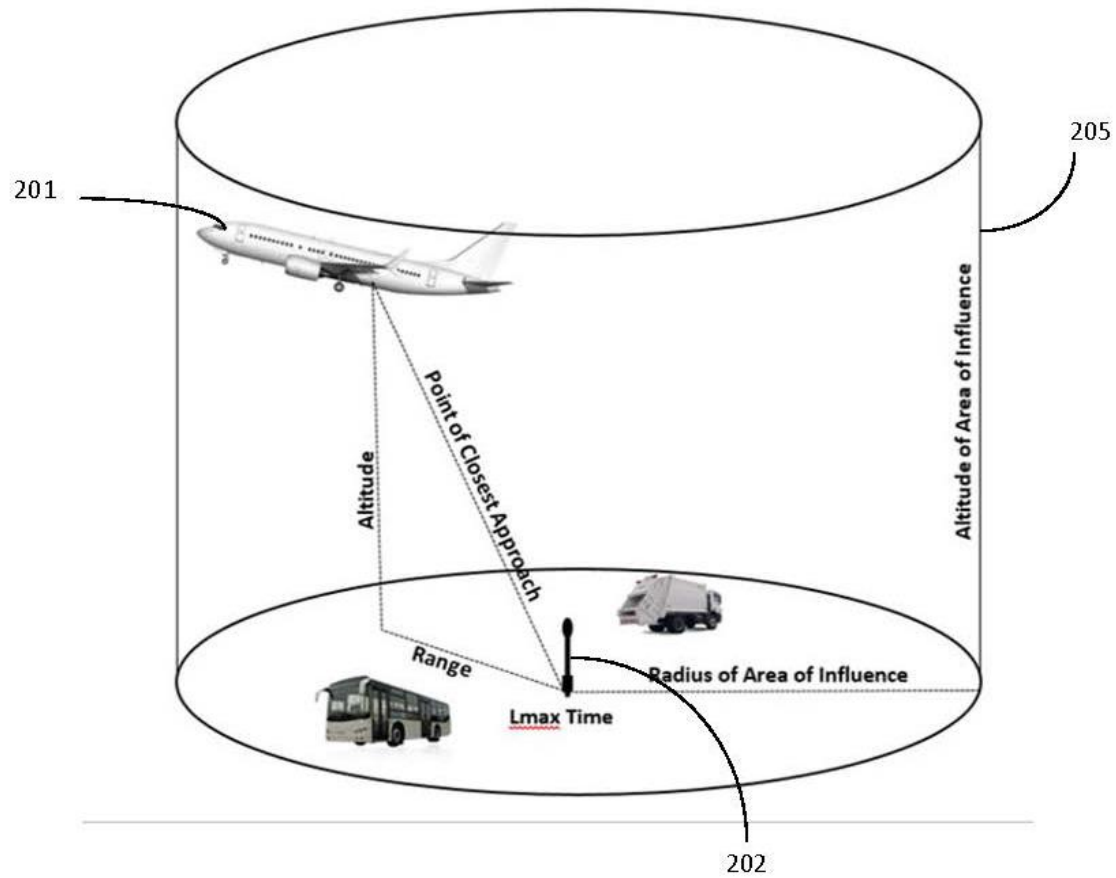
DAS

- Paving the way for 5G
 - Verizon launched 5G already in Chicago and Minneapolis with plans to launch in 20 other major cities in 2019.
 - 5G will significantly increase wireless cellular speeds.
 - 5G capacity can be built on “neutral host DAS” networks.
 - For Airports, this means faster adoption of internet-of-things (“IoT”) and “Smart Devices.”

NOISE MONITORING INNOVATION







IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Derek Anderson et al.

Application No.: Not Yet Assigned

Confirmation No.: *N/A*

Filed: Concurrently Herewith

Art Unit: *N/A*

For: AIRPORT NOISE CLASSIFICATION
METHOD AND SYSTEM

Examiner: Not Yet Assigned

EMERGING TECHNOLOGIES

- Biometrics
- Block Chain Contracts
- Other?

BIOMETRICS

- What is Biometric Recognition?
 - Matching an individual against the image or data of an existing biometric capture for instant identity verification.
 - The U.S. Dept. of Homeland Security's Traveler Verification System ("TVS").



BIOMETRICS



MacKenzie [REDACTED] 3d

I just boarded an international @JetBlue flight. Instead of scanning my boarding pass or handing over my passport, I looked into a camera before being allowed down the jet bridge. Did facial recognition replace boarding passes, unbeknownst to me? Did I consent to this?

48

361

690



JetBlue Airways  @JetBlue · 3d

You're able to opt out of this procedure, MacKenzie. Sorry if this made you feel uncomfortable.

13

20

56



BIOMETRICS



MacKenzie [redacted] · 2d

Follow up question. Presumably these facial recognition scanners are matching my image to something in order to verify my identity. How does @JetBlue know what I look like?

2

47

209



JetBlue Airways ✓ @JetBlue · 2d

The information is provided by the United States Department of Homeland Security from existing holdings.

15

54

84



BEYOND PRECLEARANCE



Beyond Preclearance Coalition

www.beyondpreclearance.org

DATA SECURITY

- Legal Role in Risk Assessment: Four Key Questions
 - What data is being collected?
 - How will the data be used?
 - Is the data really necessary?
 - Does the data need to be maintained?

DATA SECURITY

- Legal Role in Safeguards: Four Key Issues
 - Location of data storage
 - Methods of data protection
 - Obligations on third-party vendors
 - Policies and Procedures

DATA PROTECTION

- GDPR
 - Data regulations imposed on businesses and service providers that operate digitally in Europe.
 - Governmental entities that maintain an online presence in Europe could be subject to GDPR but whether its applicable depends on each organization's specific activities.

DATA PROTECTION

- Data Regulations in the US
 - Federal: Gramm-Leach Bailey Act; Health Information Portability and Accountability Act; FTC notices regulations; Driver's Privacy Protection Act; Fair Credit Reporting Act; Telephone Consumer Protection Act; Children's Online Privacy Protection Act; Video Privacy Protection Act; 49 CFR 1542.209(j) – Fingerprint-based Criminal History Records Checks; Criminal Justice Information Services (CJIS) Security Policy
 - State: California Consumer Privacy Act; Texas HB 4390 Texas Privacy Protection Act (addresses biometric info); Ohio Data Protection Act; SB 5376 Washington Privacy Act; HB 763 Vermont; SB 361 Louisiana; SB 1151 Oregon; HF 2353 Iowa; HB18-1128 Colorado; All 50 states have security breach notification laws

NON-DISCLOSURE AGREEMENTS

- Non-disclosure agreements (“NDA”)
 - A NDA is an agreement to keep information confidential.
 - All 50 states have public information laws that require a governmental entity to disclose information. Public information laws directly conflict with NDAs.
 - In Texas, there is an exemption from disclosure for a business’ proprietary information, however, it must be established before the Texas Attorney General.

NON-DISCLOSURE AGREEMENTS

- NDA Sample Clause

“Company acknowledges and understands that DFW is a governmental entity subject to the Act. If DFW receives a request for disclosure of information that Company contends is Confidential Information, DFW may, when it determines that there has not been a previous determination about whether the information falls within one of the Act’s exceptions to disclosure, request an opinion from the Texas Attorney General...

NON-DISCLOSURE AGREEMENTS

- NDA Sample Clause

“... DFW will promptly notify Company of the request so that it may act to protect its interests by communicating with the Texas Attorney General. If the Attorney General issues an opinion that all or some part of the requested information must be released, DFW will promptly advise Company of the opinion.”

ROLE OF THE AIRPORT ATTORNEY

- What is the role of an attorney with an airport's information technology department?
 - Provide competent and diligent representation
 - Statutory/Regulatory and policy compliance
 - Assist the airport with achieving its stated goals and objectives
 - Act as a bridge between different departments to ensure consistent practices
 - Proactively understand the technologies being used at your airport
 - Initiate and build relationships with the IT team

THANK YOU

- Questions?

