

January 25, 2017

The Honorable George J. Keiser
Chairman
House Industry, Business and Labor Committee
State Capitol
Bismarck, North Dakota 58505-0360

SUBJECT: HOUSE BILL 1394 - RELATING TO AUTONOMOUS VEHICLE DATA OWNERSHIP

Dear Representative Keiser:

Global Automakers, www.globalautomakers.org, represents international motor vehicle manufacturers, original equipment suppliers, and other automotive-related trade associations. We work with industry leaders, legislators, regulators, and other stakeholders in the United States. Our goal in North Dakota and elsewhere is to create public policy that improves motor vehicle safety, encourages technological innovation and protects our planet. Global Automakers is writing to inform you of our opposition to House Bill 1394.

The Association of Global Automakers represents international motor vehicle manufacturers, original equipment suppliers, and other automotive-related trade associations. We work with industry leaders, legislators, regulators, and other stakeholders in the United States. Our members have made, and continue to make, substantial investments in research and development on automated vehicle technologies, which have the potential to provide significant public benefits in terms of safety, mobility, congestion, and the environment.

Our Position

Global Automakers **opposes House Bill 1394** as introduced. Our members are committed to protecting data and security and have implemented “[Privacy Principles](#)” that safeguards personal identifiable information and we collaborate with others in the automotive industry, sharing best practices to protect consumers.

The Principles reflect a major step in protecting personal information collected in the vehicle. For the first time, the industry adopted central concepts to demonstrate a unified commitment to the responsible stewardship of information used to provide vehicle technologies and services. Sensitive information, such as geolocation, driver behavior, and biometric information, receives additional, heightened protections under the Principles.

The Privacy Principles commit participating companies to the following seven fundamentals: (1) Transparency; (2) Choice; (3) Respect for Context; (4) Data Minimization, De-Identification & Retention; (5) Data Security; (6) Integrity & Access; and (7) Accountability. These fundamentals are

based on the Fair Information Practice Principles (“FIPPs”), which have served as the basis for privacy frameworks in the United States and around the world for over forty years. Adoption of the Principles imposes obligations enforceable through Section 5 of the Federal Trade Commission Act

Specific Concerns

Given the auto industry’ commitment to protecting consumer privacy, House Bill 1394 is unnecessary and could lead to unanticipated outcomes. The language in the bill is vague in its intent and its application. The definition of “autonomous vehicle” is so overly broad that it would potentially capture many cars that are already on the road today. Moreover, as written the provisions in Section 1 would adversely impact intellectual property rights.

In the second provision, the term “non-identifying information” is ambiguous and made no clearer through the use of the term “non-personalized” information. Additionally, the second provision would undermine the National Highway Traffic Safety Administration’s recently-published Federal Automated Vehicle Policy.

HB 1394 is Unnecessary and Will Cause More Problems Than it Will Solve

Automakers were among the first industries to develop Principles to address consumer concerns about what data we collect, how we use it, and when/why data are shared. House Bill 1394 will not improve consumer protection and will only create uncertainty around the industry’s proactive efforts to enhance these protections.

Sincerely,



Josh Fisher
Manager
State Government Affairs