



November 21, 2022

Lina Khan
Chair
Federal Trade Commission
600 Pennsylvania Avenue NW
Washington, D.C. 20580

RE: Request for Comment on Trade Regulation Rule on Commercial Surveillance and Data Security [Docket ID [FTC-2022-0053](#)]

Dear Chair Khan:

The Alliance for Automotive Innovation (“Auto Innovators”) appreciates the opportunity to submit comments to the Federal Trade Commission (“Commission”) in response to its Advance Notice of Proposed Rulemaking (“ANPR”). We share your goal of protecting consumers from harmful commercial surveillance and lax data security practices, and welcome an opportunity for continued engagement with you on these important issues.

Auto Innovators is the singular, authoritative, and respected voice of the automotive industry. Focused on creating a safe and transformative path for personal mobility, Auto Innovators represents the manufacturers that produce nearly 98 percent of cars and light trucks sold in the United States. In addition to motor vehicle manufacturers, members of Auto Innovators include original equipment suppliers, technology companies, and others within the automotive ecosystem. The auto industry is the nation’s largest manufacturing sector, responsible for 10.3 million jobs and representing 5.5 percent of the country’s GDP.

Our member companies are committed to protecting consumer privacy and have long been responsible stewards of their customers’ information. In fact, in 2014, the auto industry came together to develop the *Privacy Principles for Vehicle Technologies and Services* (“Principles”).¹ The Principles represent a proactive and unified commitment by automakers to protect identifiable information collected through in-vehicle technologies and distinguish the auto industry from other industries as one dedicated to safeguarding consumer privacy. In particular, the Principles establish a set of baseline privacy protections related to the collection and use of vehicle data. They contain significant commitments from automakers related to transparency, choice, respect for context, data minimization, data security, integrity, and accountability. This includes specific obligations to:

¹ <https://www.automotiveprivacy.com>

- provide consumers with ready access to clear, meaningful notices about the collection, use, and sharing of identifiable information;
- obtain affirmative consent before using sensitive information for marketing purposes or before sharing sensitive information with unaffiliated third parties;
- use and share identifiable information only in ways that are consistent with the context in which the information was collected;
- collect and retain identifiable information only as needed for legitimate business purposes; and
- implement reasonable measures to protect identifiable information against loss and unauthorized access or use.

The best way to protect consumers is through a single, national privacy law that provides consistent protections to consumers across the United States. To achieve this goal, any federal privacy law that is implemented should replace the emerging patchwork of state privacy laws. A patchwork of state privacy laws creates confusion among consumers about their privacy rights. In addition, a state patchwork with different and, in some cases, conflicting requirements creates compliance challenges for auto companies that serve consumers in every state and sell products that regularly cross state lines. Since this ANPR would not replace state privacy laws with a single federal law, we recommend instead the Commission prioritize collaboration with Congress to pass and enact a federal privacy statute that would establish a single, national privacy law.

Should the Commission decide to proceed with this rulemaking effort, Auto Innovators urges the Commission to consider the purpose of data collection and use in different sectors (e.g., where automotive use cases may differ from social media or web-based use cases). While we appreciate the goal of creating a uniform and inclusive privacy law, we also recognize that consumer privacy is not a one-size-fits-all proposition. To that end, we offer a few considerations for the Commission that highlight the unique impacts that a comprehensive privacy law may have on the auto industry and its ability to deliver a cleaner, safer, and smarter transportation future.

First, **vehicle data is used to advance safety**. Data relating to the operation and function of a vehicle and its systems from onboard computer systems and sensors may be collected to help an auto company identify potential safety issues, including those that may require a safety recall. In order to facilitate more effective owner notification in recall situations, safety-related data is often stored in a way that links the data directly to the specific vehicle to which it pertains. Auto companies may also collect vehicle data as part of its effort to develop and improve cutting-edge safety systems, including to train the artificial intelligence that supports automated driving systems. The ability of auto companies to continue to develop these important and societally beneficial safety systems should be prioritized and preserved.

Second, **vehicles are multi-user devices**. Vehicles may be associated with a vehicle owner but are often used by individuals other than the vehicle owner (e.g., a spouse or partner, other family members, a friend or neighbor, a rental car customer, etc.). As a result, data generated by the vehicle may relate to the use of the vehicle by someone other than the vehicle owner. This poses significant, practical challenges for auto companies and creates the potential for significant harm to consumers. For example, the sharing of vehicle geolocation data with a consumer who was not using the vehicle at the time the geolocation data was generated may create privacy or even safety risks (e.g., an abusive individual seeking information about where his or her partner has driven a vehicle).

Third, **vehicles generate technical data**. Much of the data that is generated and collected from vehicles is from numerous onboard computer systems and sensors and relates to the operation and function of the vehicle and its systems. This data, which is very technical in nature and frequently contains detailed data elements related to each vehicle component and system over time, is of little value or use to the average consumer. In addition, the data that is generated by vehicles often includes proprietary, company-specific codes that are used for onboard computers to communicate with each other.

Finally, **sufficient lead time is necessary**. Vehicle development cycles are considerably longer than those for other consumer products. As a result, any new privacy-related obligations that would require engineering changes to vehicles could take auto companies years to implement. Moreover, auto companies may not be able to effectively integrate vehicle platforms that are already on the road today into new data management tools or processes.

Consumer privacy remains critically important to the auto industry. We appreciate the opportunity to provide comments to this ANPR and welcome the opportunity to work with the Commission and other stakeholders to advance our shared privacy-related objectives.

Sincerely,

A handwritten signature in black ink, appearing to read "Hilary M. Cain", is positioned above a white rectangular redaction box.

Hilary M. Cain
Vice President
Technology, Innovation and Mobility Policy