

Idea Title or Tagline (Required)

Enacting Regulations Before Engaging in the Use of Telematics for Road Safety

With which component(s) of the Safe System Approach does this idea correspond? (Required)

Safer People

Safer Vehicles

Safer Speeds

Safer Roads

Post-Crash Care

Other

Describe your idea (Required)

The automotive industry is notable for its pervasive data-tracking practices. Modern cars have transformed into computers on wheels, and auto manufacturers collect vast amounts of sensitive data from motorists and their passengers, without meaningful consent. These data include everything from location information to audio and video recordings of the car's interior and exterior. The types of data being collected range from information about preferences like music stations to more intimate details such as sexual activities and health-related information. Users lack meaningful control over their data, privacy policies are vague, and consent procedures are as manipulative as they are useless in protecting drivers' privacy. On top of this, the commercialization of this sensitive data runs rampant. For example, eighty-four percent of car brands distribute or sell user data to third parties, including data brokers and law enforcement agencies. **MassDOT should not encourage this bad behavior in the industry by joining the ranks of institutions that purchase or lease access to information that is collected without the meaningful consent of data subjects.** For more information, see

<https://foundation.mozilla.org/en/privacynotincluded/articles/its-official-cars-are-the-worst-product-category-we-have-ever-reviewed-for-privacy/>

The RFI is vague about how the DOT intends to use telematics. Before acquiring or using any telematics data, the DOT must be transparent with the public and provide public answers to the following questions:

- How and from which sources will DOT acquire the data? How much will the information cost?
- Will DOT acquire or use data that was collected without meaningful, discrete, opt-in consent of the data subject?
- What is the purpose of collecting telematics data? How much data is going to be collected?
- What type of data will be used—aggregate, anonymized, or personally identifiable information—and can it reveal information about individuals?
- Who will have access to this data, and for what reasons?
- What plans are in place for the responsible disposal of the data once it is no longer relevant to minimize future risks to individuals' privacy?
- Will the DOT acquisition of data inadvertently support unethical data collection and processing practices?

More importantly, the DOT should enact regulations that provide answers to those questions in the following way:

1. **Requirement of Informed Consent:** The DOT should only engage with vehicle manufacturers and telematics service providers that obtain explicit, discrete, meaningful and informed consent from their users to not only collect and process their personal data but also to share such data with the DOT. Note that legitimate consent does not include policies drivers must accept to purchase or drive a car or use a feature like Apple or Android Car Play.
2. **Purpose Limitation, Data Minimization, and Anonymization: The DOT should collect only data necessary for specific and limited road safety purposes.** Additionally, when possible, the data should be anonymized to protect personally identifiable information.
3. **Prohibition of Collecting and Using Sensitive Data:** The DOT should not purchase or access sensitive data like location or biometric data.
4. **Restriction of Access to Data:** The DOT should not provide access to telematics-related data to any third party, including law enforcement agencies.
5. **Secure storage and transmission of data via encryption**
6. **Mechanisms for Data Oversight and Accountability:** The DOT should create mechanisms for monitoring and auditing the use of telematics-related data to ensure compliance with privacy regulations and road safety objectives. This includes establishing accountability measures for any misuse or breach of data privacy.
7. **Notice and Fair Enforcement:** The DOT should allow individuals to request telematics-related data about them and disclose how it was acquired. Individuals should also be able to appeal any decision where telematics information was used, providing a mechanism for redress in case of errors or disputes.

Please briefly describe both the advantages and disadvantages of your idea. (Required) maximum 1500 characters*

Advantages:

- **Increased Privacy Protection:** The government should not lend credibility to the data broker industry by purchasing or accessing information about motorists that has been collected absent the provision of meaningful consent by data subjects. Adherence to strict consent measures is the first necessary step towards protecting individuals' sensitive information from misuse and abuse. This will build trust and encourage the responsible use of telematics-related data.
- **Data Minimization and Anonymization:** These practices reduce the risk of privacy breaches and ensure that only necessary data is collected and used. Anonymization protects individuals' identities. Note that certain kinds of data, like location information, cannot be anonymized.
- **Accountability and Oversight:** Establishing mechanisms for data oversight and accountability ensures that telematics data is used ethically and complies with privacy regulations. This can prevent unauthorized access and misuse of data.
- **Fair Enforcement:** Allowing individuals to appeal decisions based on telematics data provides a mechanism for redressing errors or disputes, ensuring that enforcement is fair and transparent.

Disadvantages:

- **Data Anonymization Limitations:** While anonymization can protect individual identities, it may also limit the usefulness of the data for certain analyses, such as understanding specific patterns of behavior or vehicle performance.
- **Appeal Process Complexity:** Establishing an appeal process for decisions based on telematics data may be complex and could lead to administrative burdens and delays in resolving disputes.