

October 15, 2023

Hon. Anne Carey, Senate Chair
Hon. Matt Moonen, House Chair
Committee on Judiciary
100 State House Station
State House Room 438
Augusta, ME 04333

RE: Oppose LD 1977 – The Data Privacy and Protection Act

Dear Committee Chairs and Members of the Committee:

On behalf of the Alliance for Automotive Innovation¹, I appreciate the opportunity to provide written testimony on bill (LD 1977), which seeks to establish the *Data Privacy and Protection Act*. Focused on creating a safe and transformative path for sustainable industry growth, the Alliance for Automotive Innovation represents the automakers responsible for producing nearly 98 percent of cars and light trucks sold in the U.S. each year, as well as major suppliers and other automotive technology companies.

Industry Response to Consumer Privacy Concerns

The protection of consumer personal information is a priority for the automotive industry. Through the development of the *Consumer Privacy Protection Principles for Vehicle Technologies and Services*², Auto Innovators' members committed to take steps to protect consumers' personal data generated by their vehicles. These Privacy Principles provide heightened protection for certain types of sensitive data, including biometric data. Consumer trust is essential to the success of vehicle technologies and services. Auto Innovators and our members understand that consumers want to know how these vehicle technologies and services can deliver benefits to them while respecting their privacy. Our members are committed to providing all their customers with a high level of protection of their personal data and maintaining their trust.

Unique Considerations for Vehicle Safety Technology

Legislators need to recognize that modern automobiles are the single most complex product most consumers will ever personally own or use. Today's vehicles rely on hundreds of sensors spread across each vehicle sub-system, all transmitting huge volumes of data every second – the vast majority of which

¹ About Alliance for Automotive Innovation

From the manufacturers producing most vehicles sold in the U.S. to autonomous vehicle innovators to equipment suppliers, battery producers and semiconductor makers – Alliance for Automotive Innovation represents the full auto industry, a sector supporting 10 million American jobs and five percent of the economy. Active in Washington, D.C. and all 50 states, the association is committed to a cleaner, safer and smarter personal transportation future.

www.autosinnovate.org

² <https://www.autosinnovate.org/privacy>

never leaves the vehicle – to provide consumers with the cleaner, greener, and safer product they now expect. Given the volume of data used in a vehicle, sweeping proclamations on the appropriate treatment of data across all consumer products, without recognizing the unique attributes of our members' products, creates concerns.

Specifically, as it relates to the individuals' right to covered data found on page 13, line 26 of the bill as drafted, this legislation raises many challenges and concerns for the auto industry. The data that is generated and collected is from onboard computer systems and sensors. The data collected is very technical in nature and frequently contains detailed data information related to each vehicle system over time. This data will be of little value to virtually any customers. Requiring this data to be downloadable from the internet would require automakers to overhaul their current system for data while not providing any tangible benefit to consumers. Not to mention the challenges of delineating who has rights to that data, as the vehicle manufacturer rarely will have insights into which driver generated the data in a multi-user household. Given these concerns, we respectfully ask the Committee to give consideration to striking this section or exemption automobiles as the implementation would be insurmountable and of no value to the consumers.

Challenges with a Patchwork Approach

Privacy requirements of this nature require a standardized, nationwide approach so there is not a dizzying array of varied state requirements. Under the industry's Privacy Principles, issues around biometric data are currently enforceable by the Federal Trade Commission (FTC). The FTC has been the chief regulator for privacy and data security for decades, and its approach has been to use its authority under Section 5 of the FTC Act (15 USC 45) to encourage companies to implement strong privacy and data security practices. We prefer this standard approach over individual states enacting disparate and conflicting laws.

We understand the heightened urgency around consumer privacy and welcome the opportunity to collaborate with the sponsor on amendments that will strengthen the bill and support your constituents, the automaker's consumers.

Kind Regards,



Judith Fenelus
Director, State Affairs