

# More Autonomy, More Data, More Legal Issues

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The background of the slide is a diagonal split. The top-left portion is a solid red color, while the bottom-right portion is an aerial photograph of a lush green forest with a winding asphalt road. The Akerman logo is positioned in the bottom right corner, overlapping the forest image.  
**akerman**

# Disclaimer

- The information in these slides and in this presentation is not legal advice and should not be considered legal advice.
- This presentation represents only the personal view of the presenter and does not necessarily reflect the views of her employer.
- This presentation is offered for informational and educational uses only.

# Autonomous Vehicle Data

# More Autonomy, More Data

Society of Automotive Engineers (SAE) Automation Levels 0-5

## SAE AUTOMATION LEVELS<sup>1</sup>



### 0 No Automation

The full-time performance by the *human driver* of all aspects of the *dynamic driving task*, even when enhanced by warning or intervention systems.



### 1 Driver Assistance

The *driving mode-specific* execution by a driver assistance system of either steering or acceleration/ deceleration using information about the driving environment and with the expectation that the *human driver* perform all remaining aspects of the *dynamic driving task*.



### 2 Partial Automation

The *driving mode-specific* execution by one or more driver assistance systems of both steering or acceleration/ deceleration using information about the driving environment and with the expectation that the *human driver* perform all remaining aspects of the *dynamic driving task*.



### 3 Conditional Automation

The *driving mode-specific* performance by an *automated driving system* of all aspects of the *dynamic driving task* with the expectation that the *human driver* will respond appropriately to a *request to intervene*.



### 4 High Automation

The *driving mode-specific* performance by an *automated driving system* of all aspects of the *dynamic driving task*, even if a *human driver* does not respond appropriately to a *request to intervene*.



### 5 Full Automation

The full-time performance by an *automated driving system* of all aspects of the *dynamic driving task* under all roadway and environmental conditions that can be managed by a *human driver*.

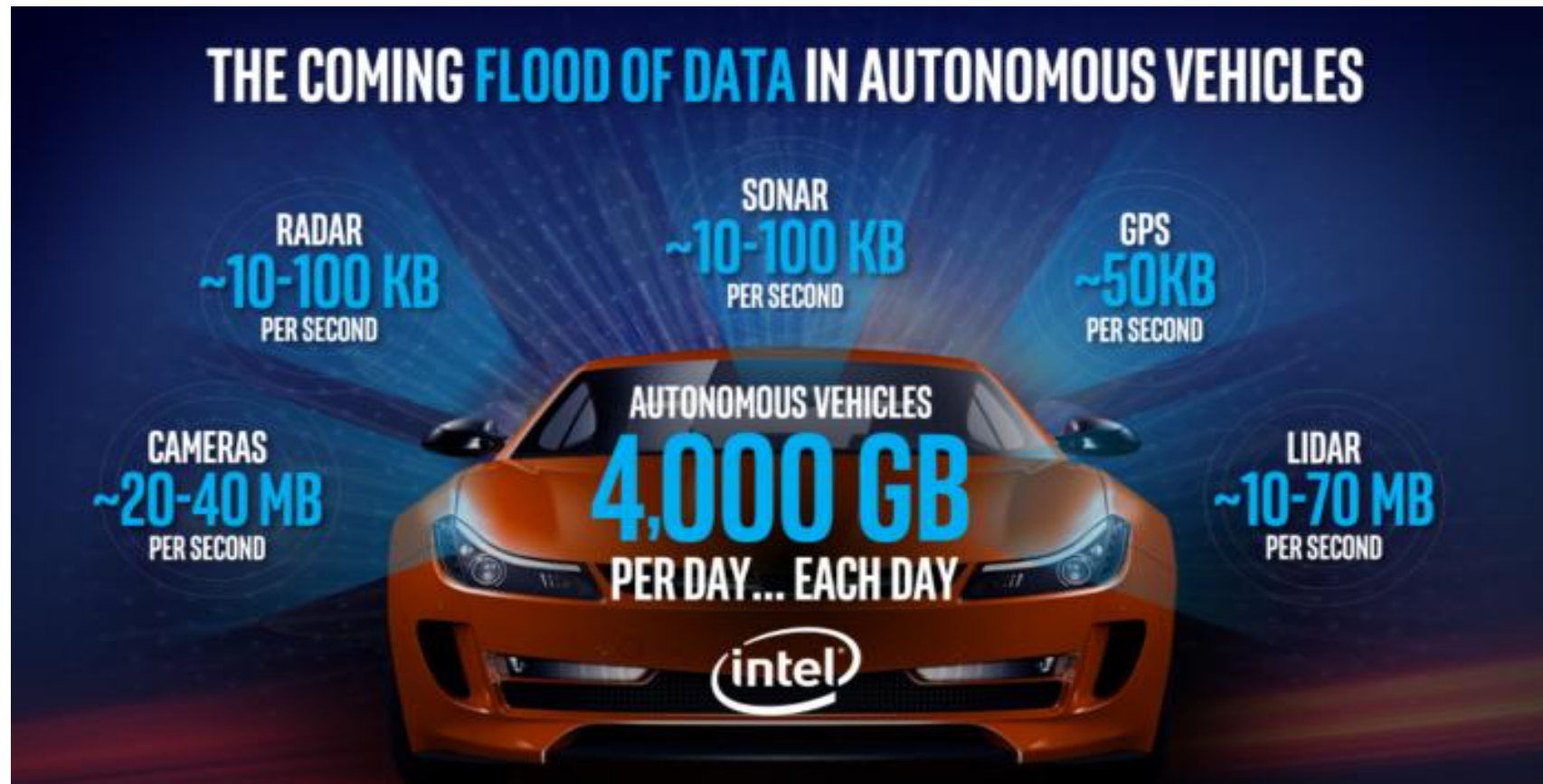
<sup>1</sup> SAE International, J3016\_201806: Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles (Warrendale: SAE International, 15 June 2018), [https://www.sae.org/standards/content/j3016\\_201806/](https://www.sae.org/standards/content/j3016_201806/).

# Data Collected by Autonomous Vehicles

- Volume of data
  - According to Intel, vehicles will generate and consume roughly 4,000 GBs of data for every eight hours of driving
  - Cameras will generate 20 to 40 Mbps
  - Radar will generate between 10 and 100 Kbps
  - Each car driving on the road will generate about as much data as about 3,000 people

<https://www.networkworld.com/article/3147892/internet/one-autonomous-car-will-use-4000-gb-of-dataday.html>

# Data Collected by Autonomous Vehicles



# Data Collected by Autonomous Vehicles

## Autonomous car data vs. human data

In 2020, the average autonomous car may process 4,000 gigabytes of data per day, while the average internet user will process 1.5 gigabytes. That means...



**1 autonomous car = 2,666 internet users**

Source: Intel

**Mashable**

<https://mashable.com/2016/08/17/intel-autonomous-car-data/#nl8QFWaINqqI>

# Data Collected by Autonomous Vehicles

- Geolocation data
  - Sensitivity of information
  - Privacy issues
- Fleet monitoring technology
  - Basis for employee discipline issues
  - Potential basis for litigation
  - Role in labor union collective bargaining agreement negotiations and grievances

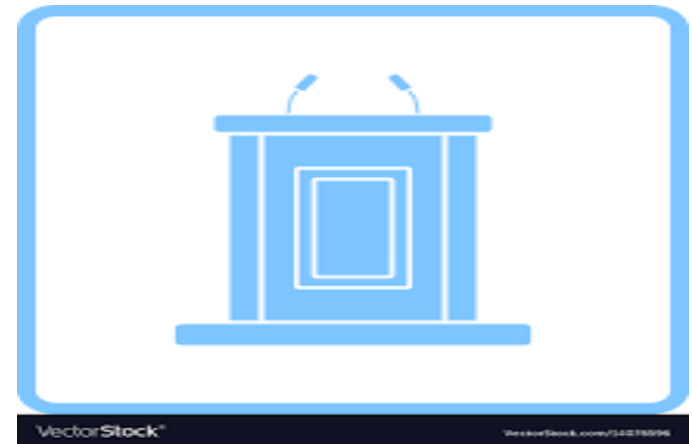




# Evidentiary Uses of Data

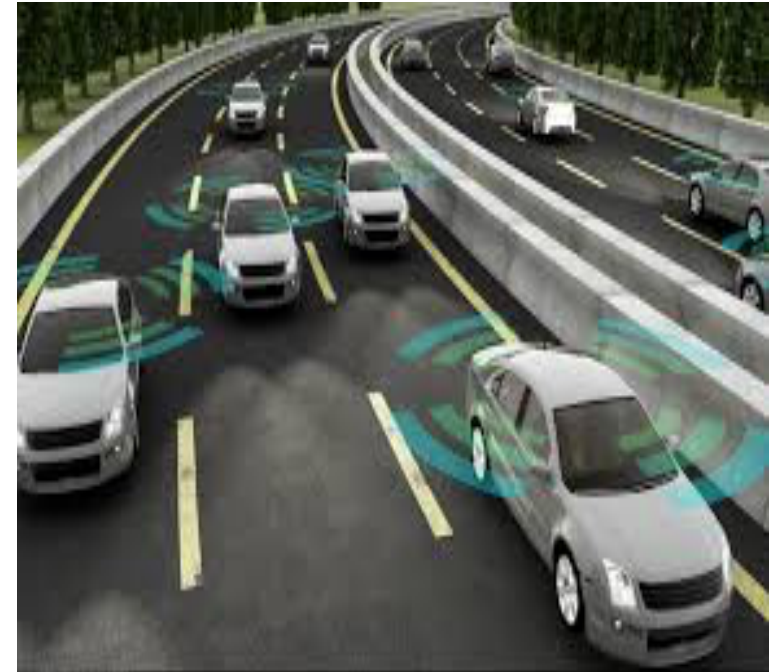
# Vehicle Data as Evidence

- Your Car Testifying Against You
  - Information collected by car will be discoverable
    - Use in civil litigation
    - Use in criminal proceedings
    - Use by insurance company in deciding claims



# Vehicle Data as Evidence

- Increasing need for expert testimony in cases involving autonomous vehicles
  - Opportunities for people with expertise to develop careers as expert witnesses
  - Added complexity for litigation



# Data Ownership Questions

# Who Owns the Data?

- Different views on who owns the data autonomous vehicles collect
  - GDPR gives EU residents certain rights with regard to their personal data
  - Less clear in the U.S.
    - Ownership by OEM through contract?
    - Ownership by insurance company as part of agreement in return for discount?
    - Ownership by vehicle owner?  
Passenger?



# U.S. Federal Trade Commission

- Potential source of regulation of autonomous vehicles
- June 28, 2017: Acting Chairman Maureen K. Ohlhausen stated she expects the FTC's enforcement role in protecting privacy and security to encompass automated and connected vehicles.
- Said the FTC will take action against manufacturers and service providers of autonomous and connected vehicles if their activities violate Section 5 of the FTC Act, which prohibits unfair and deceptive acts or practices.



# Questions?



# Contact Information

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