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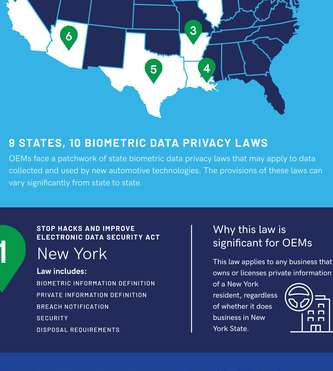
Biometric privacy laws OEMs should be tracking

Today's connected cars feature new technologies designed to enhance the driving experience and increase safety—but these driver-focused features come with privacy implications and legal ramifications. While there are many data privacy laws, here are some new, and recently amended, biometric-specific laws that OEMs will want to start tracking.[1]



9 STATES, 10 BIOMETRIC DATA PRIVACY LAWS

OEMs face a patchwork of state biometric data privacy laws that may apply to data collected and used by new automotive technologies. The provisions of these laws can vary significantly from state to state.

1

STOP HACKS AND IMPROVE ELECTRONIC DATA SECURITY ACT

New York

Law includes:

- BIOMETRIC INFORMATION DEFINITION
- PRIVATE INFORMATION DEFINITION
- BREACH NOTIFICATION
- SECURITY
- DISPOSAL REQUIREMENTS

Why this law is significant for OEMs

This law applies to any business that owns or licenses private information of a New York resident, regardless of whether it does business in New York State.

2

BIOMETRIC INFORMATION PRIVACY ACT

Illinois

Law includes:

- BIOMETRIC IDENTIFIER DEFINITION
- BIOMETRIC INFORMATION DEFINITION
- CONSENT REQUIREMENTS
- LIMITATIONS ON DISCLOSURE OR DISSEMINATION OF BIOMETRIC IDENTIFIERS OR INFORMATION
- SECURITY
- DISPOSAL REQUIREMENTS

Why this law is significant for OEMs

The law authorizes individuals to bring lawsuits, including class actions, and they need not allege an actual injury or adverse effect, but merely a violation of their rights under the statute.

3

PERSONAL INFORMATION PROTECTION ACT

Arkansas

Law includes:

- BIOMETRIC DATA DEFINITION
- PERSONAL INFORMATION DEFINITION
- BREACH NOTIFICATION
- SECURITY
- DISPOSAL REQUIREMENTS

Why this law is significant for OEMs

Businesses are required to take "all reasonable steps" to destroy the customer records within their custody that contain personal information that is no longer to be retained by the business.

4

DATABASE SECURITY BREACH NOTIFICATION LAW

Louisiana

Law includes:

- BIOMETRIC DATA DEFINITION
- PERSONAL INFORMATION DEFINITION
- CONSENT REQUIREMENT
- BREACH NOTIFICATION
- SECURITY
- DISPOSAL REQUIREMENTS

Why this law is significant for OEMs

Breach notification obligations are triggered by a compromise of the security, confidentiality, or integrity of computerized data that results in the unauthorized acquisition of and access to personal information.

5

CAPTURE OR USE OF BIOMETRIC IDENTIFIER

Texas

Law includes:

- BIOMETRIC IDENTIFIER DEFINITION
- CONSENT REQUIREMENT
- LIMITATIONS ON SALE OR LEASE OF BIOMETRIC IDENTIFIERS
- SECURITY
- DISPOSAL REQUIREMENTS

Why this law is significant for OEMs

Businesses must provide notice and obtain consent in order to capture a person's biometric identifier for a commercial purpose.

6

DATA SECURITY BREACHES

Arizona

Law includes:

- BIOMETRIC DATA DEFINITION
- PERSONAL INFORMATION DEFINITION
- BREACH NOTIFICATION

Why this law is significant for OEMs

The broad scope of the law includes companies that conduct business in Arizona and own, maintain or license unencrypted and unredacted computerized personal information.

7

CALIFORNIA CONSUMER PRIVACY ACT

California

Law includes:

- BIOMETRIC INFORMATION DEFINITION
- PERSONAL INFORMATION DEFINITION
- DISCLOSURE RIGHTS
- RIGHT TO OPT OUT OF DATA SALE (INCLUDING BIOMETRIC INFORMATION)
- RIGHT TO DATA DELETION

Why this law is significant for OEMs

Consumers have various rights under the law, including the right to request that companies delete their personal information, and the right to instruct a business not to sell their personal information.

8

OREGON CONSUMER INFORMATION PROTECTION ACT

Oregon

Law includes:

- BIOMETRIC DATA DEFINITION
- PERSONAL INFORMATION DEFINITION
- BREACH NOTIFICATION
- SECURITY
- DISPOSAL REQUIREMENTS

Why this law is significant for OEMs

The law applies to companies that own, license, maintain, store, manage, collect, process, acquire or otherwise possess personal information in the course of their business.

9

RCW 19.375.010

Washington

Law includes:

- BIOMETRIC IDENTIFIER DEFINITION
- BIOMETRIC SYSTEM DEFINITION
- CONSENT REQUIREMENTS
- LIMITATIONS ON SALE, LEASE OR DISCLOSURE OF BIOMETRIC IDENTIFIERS
- SECURITY
- DISPOSAL REQUIREMENTS

Why this law is significant for OEMs

The law prohibits a business from enrolling a biometric identifier in a database for a commercial purpose, without first providing notice, obtaining consent, or providing a mechanism to prevent the subsequent use of a biometric identifier for a commercial purpose.

NOTICE OF PERSONAL INFORMATION DATA BREACHES

Law includes:

- BIOMETRIC DATA DEFINITION
- PERSONAL INFORMATION DEFINITION
- BREACH NOTIFICATION

Why this law is significant for OEMs

Both consumers and the state attorney general can bring lawsuits in response to alleged violations of the law.

A possible trend on the horizon

ZEROING IN ON GEOLOCATION DATA PRIVACY

CALIFORNIA
Geolocation data is "personal information" under the CCPA

NEW YORK CITY
City Council is considering a bill that would prohibit mobile apps from sharing users' geolocation information

Key action items for OEMs

TRANSPARENCY
Talk to your drivers about your data collection practices, in their language (not legalese)

SECURITY
Invest in state-of-the-art infrastructure and apply technical and organizational best practices

LIFECYCLE
Develop policies, procedures, and automation that align to the realistic useful life of car data and relevant regulatory requirements

Looking for tips and best practices?

Read the Privacy Playbook for Connected Car Data
https://info.otonomo.io/privacy-white-paper

For more information on these laws, including links to the actual laws, read the blog—US State privacy laws for OEMs: Keeping an eye on biometric data
https://otonomo.io/new-state-privacy-laws-oems

[1] The information in this document is for informational purposes only, and is not legal advice. It is not an exhaustive discussion of each of the laws mentioned, but is intended to highlight provisions in these laws that could be implicated by technologies that utilize biometrics and medical information, and the differences between some of these laws.

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