



# Self Driving Cars: Legal and Policy Issues

*State and Local*

Credit: digidreamgrafix] /FreeDigitalPhotos.Net

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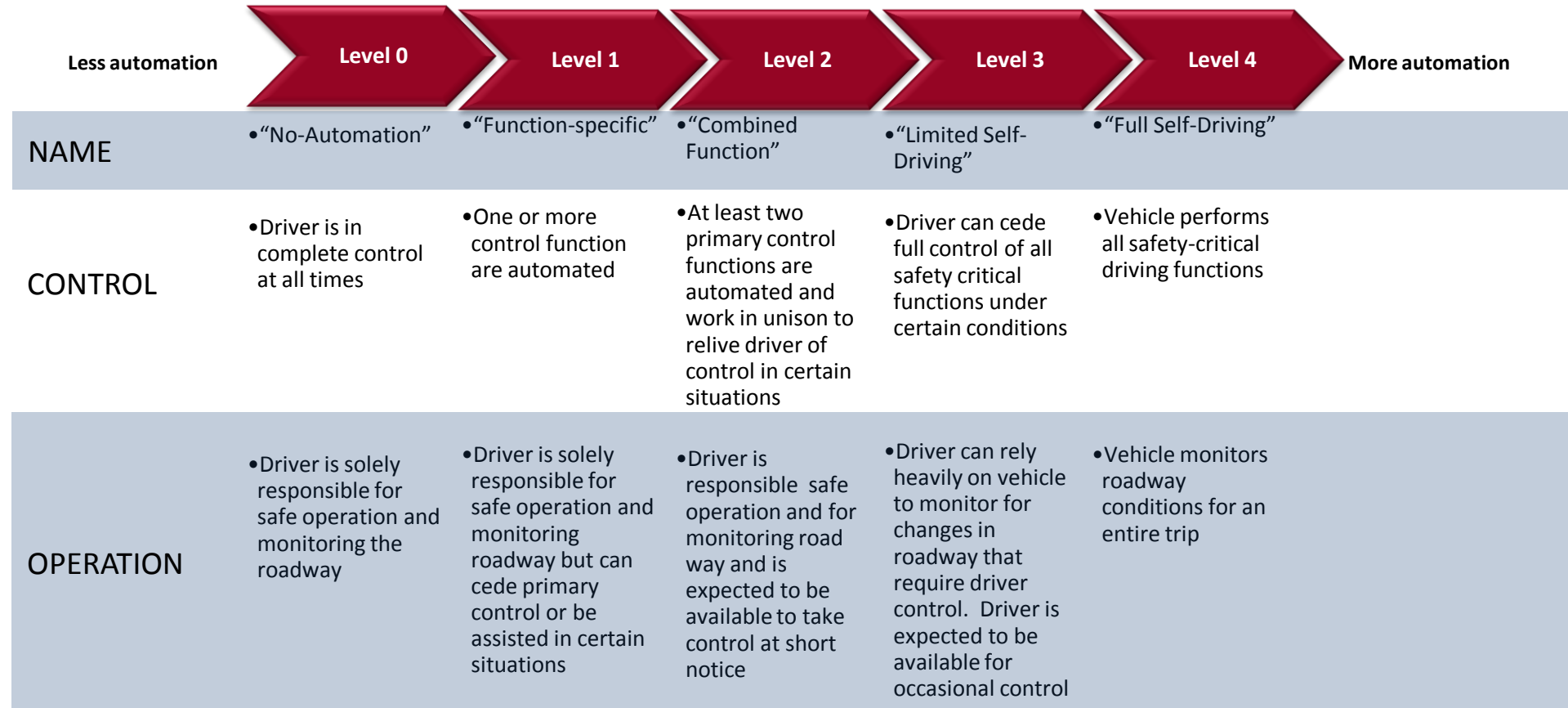
# Automated Vehicles Run on Data

- Current vehicles do too
  - But information remains in car or human memory
- “Autonomous” vehicles replace much of the human memory
- “Connected” vehicles collect and share data with other vehicles, and perhaps the infrastructure

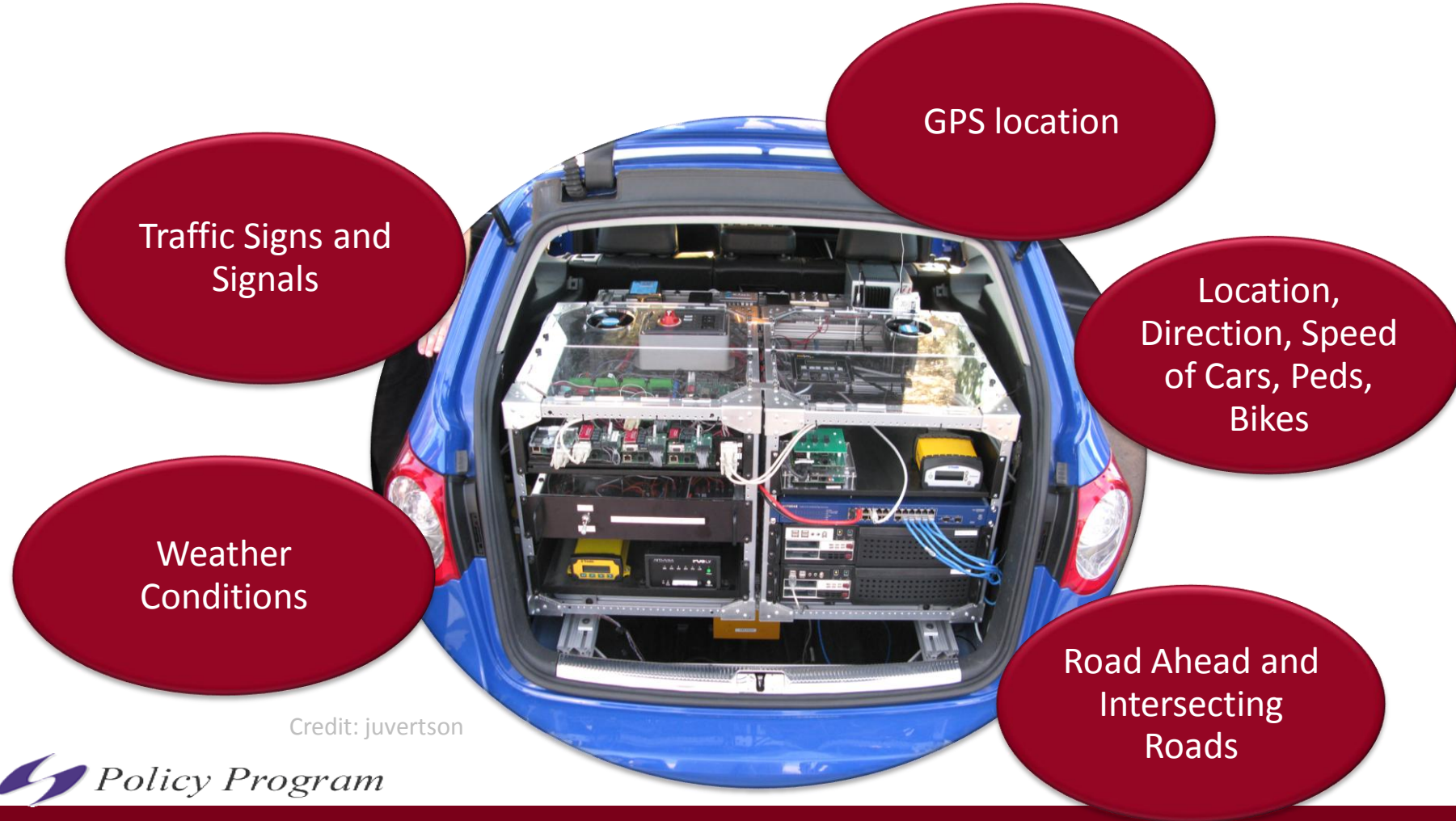
# What Driving Tasks Must Self-Driving Vehicles Perform?



# Levels of “Control”



# What Data Do Self-Driving Vehicles Need?



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# Why Should We Care?

- Lack of certainty regarding how data will be handled can create privacy or other policy concerns which could constrain data collection.
- These issues may limit the deployment of otherwise socially beneficial technologies.

# Lessons From History

- Seat belt ignition interlock
  - Public outcry against “government” intrusion on civil liberties
  - Case for technology not established with public in advance
- Automated enforcement
  - Demonstrated safety benefit
  - Violation of privacy a main claim of opponents
  - Some states have prohibited or withdrawn programs due to opposition



# Lessons From History

- Increased safety or efficiency rationales only go so far to offset privacy concerns
- Public perception matters as much as legal reality
- Tackling data issues at the outset of technology development can reduce privacy and related deployment risks



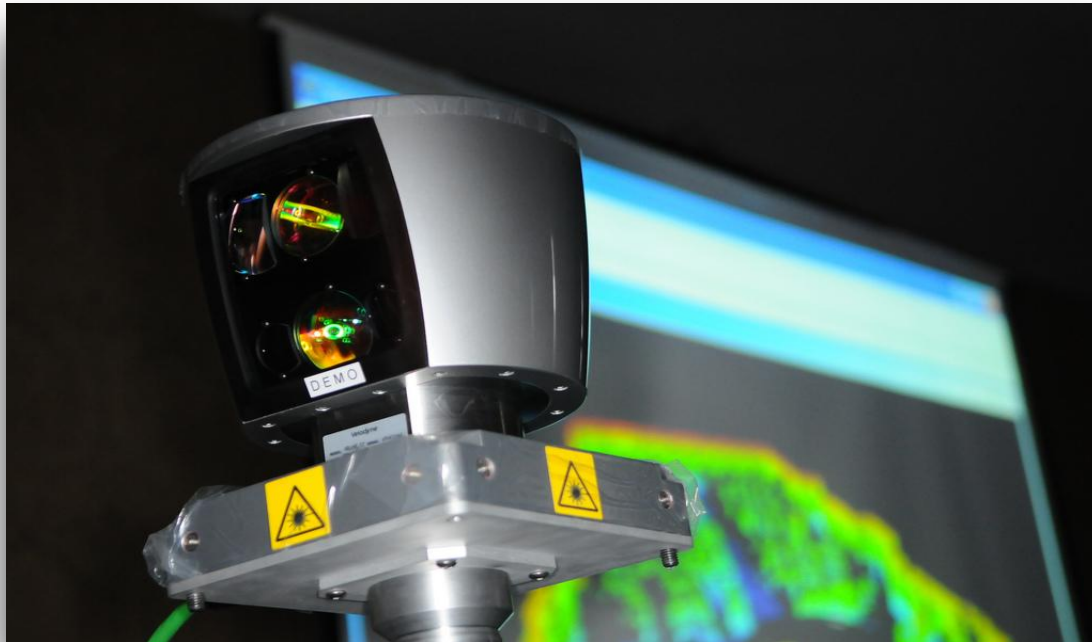
# Cars and Privacy

- Federal law sets a floor of privacy protection (*U.S. v. Knotts*).
- State laws add varying levels of protection.



Credit: BodHack

# Data Case Law



Credit: Vissago

- *City of Ontario v. Quon (2010)*
- *U.S. v. Jones (2012)*
- Cases now before court examining right to access cell phone data, incl. location, w/o a warrant

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# Present Setting

- More political, than legal questions
  - Pace of change outstripping existing policy and legal tools
  - Traditional legal categories surpassed by technology
- If public perception is unclear, legal reality may be non-existent

# Data (Privacy) Examples

- Privacy vs. Security
  - Ability to control movements of other vehicles
  - Law Enforcement (seizure)
  - Criminal (counter-terrorism)
- Event Data Recorders
  - Still tied to driver?
  - Was there any duty to act?
- Intoxication
  - Need to confirm inability to operate vehicle
  - Self-Implication?

# Issues (“Debate” Reprise)

- Who OWNS this data?
- Who should have access?
- Who has the right to share it?
- How long can / should they retain it?

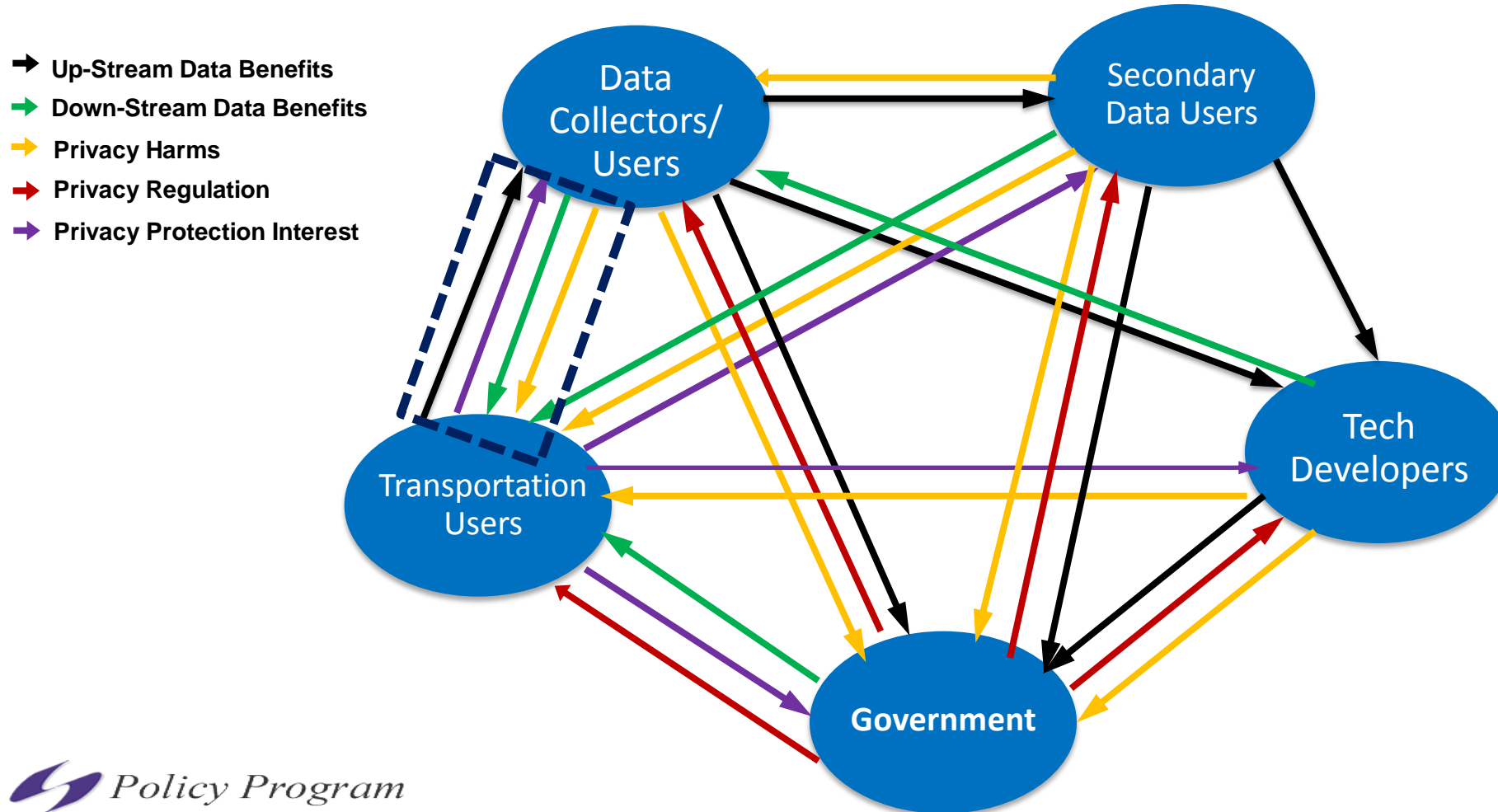
# Participant Categories

1. Technology Developers:
  - Hardware & Software Developers
2. Transportation User:
  - Individuals, Companies
3. Government (not as data collector)
  - Roles: Defining/Protecting Privacy Rights, Regulator & Facilitator of Economic Activity
4. Data Collectors & Users
  - Public Sector, Private Sector (Insurance), Quasi-Public
5. Secondary Users
  - Marketers, Litigants

# Unpacking The Relationships

- Types of Relationships
  - Securing Benefits
    - Up-stream (e.g., data collectors, government)
    - Down-stream (e.g., transportation users)
  - Harm Avoidance: Protecting Privacy
    - Direct: Transportation Users
    - Indirect: Data Collectors/Users
  - Capacity to Inflict Privacy Harms
  - Capacity to Regulate Privacy

# Mapping Interests Among Participants





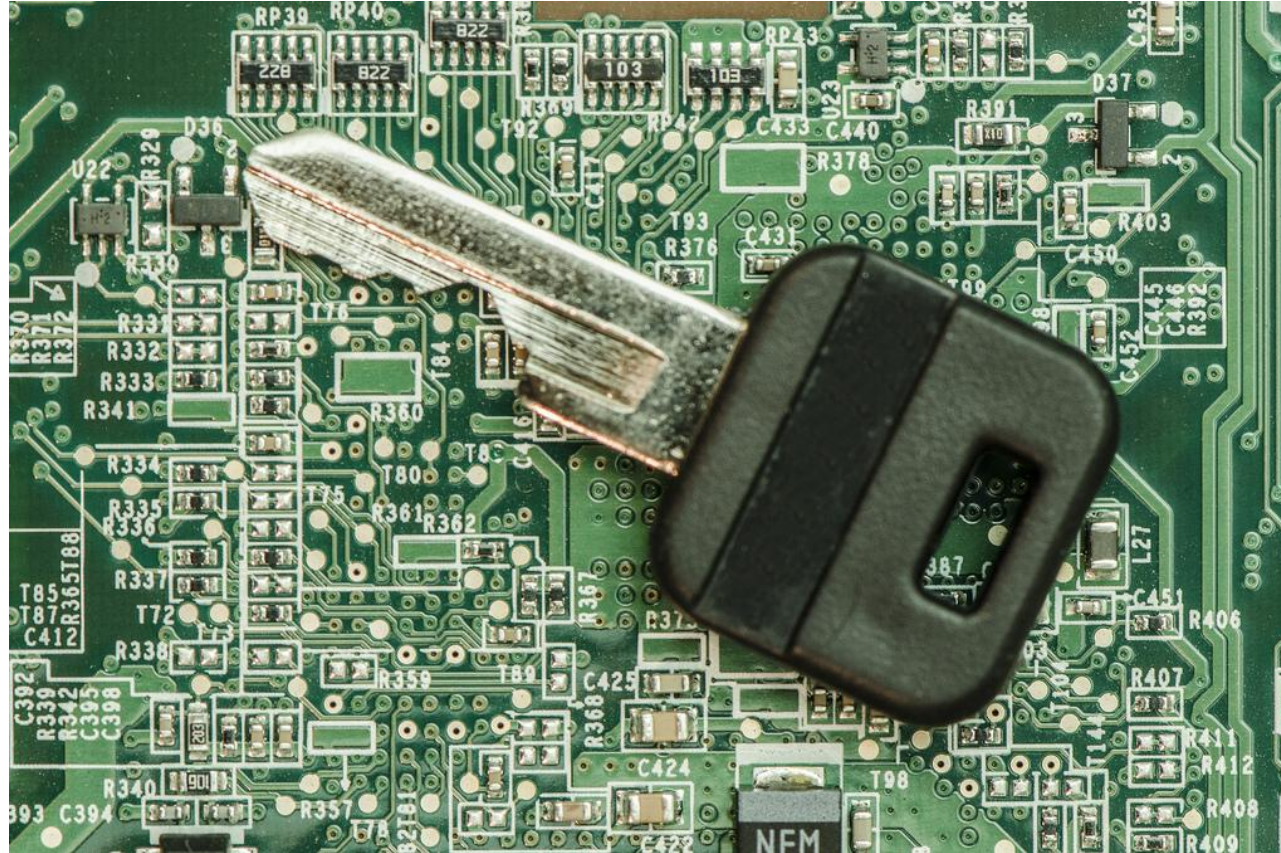
# Finding Common Ground

- A number of underappreciated congruent interests
- Leverage points to reduce privacy conflicts
- Key steps:
  - What is the transportation-related purpose of the data?
  - Is personal data necessary for that purpose?
  - Are there non-personal alternatives?
  - If personal data needed, how should it be handled?

# Some Tools For Common Ground

- Not collecting personal data when costs outweigh benefits
- Appropriate time limits for data retention
- Rules restricting secondary uses of data
- Privacy Policies:
  - Opt-in mechanisms;
  - Internal data practices
- “Privacy-by-design” approaches

# How Can Privacy Protection Be Built into Self-Driving Vehicles?



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Credit: perspec\_photo88

# Other Legal Questions:

- Child “drivers”
- Legal “driving” age
- Driving competence



Credit: Chiot's Run