

# United States Senate

April 14, 2023

Elon Musk  
Chief Executive Officer  
Tesla, Inc.  
3500 Deer Creek Road  
Palo Alto, California 94304

Dear Mr. Musk,

According to an alarming new press report, Tesla employees have shared private photos and videos captured by cameras in Tesla customers' vehicles. Although vehicle cameras have the potential to improve safety, these features do not need to come at the expense of consumer privacy. Tesla must take all necessary steps to protect consumer information and maintain strong privacy protections for its vehicle owners.

Tesla vehicles capture huge amounts of consumer data, including videos and still images. For example, Tesla vehicles are equipped with multiple cameras, which record videos outside the vehicle and transmit those recordings to Tesla to train Tesla's autonomous driving software (misleadingly named "Full Self Driving"<sup>1</sup>). These cameras also capture vast amounts of footage that reveal information about people inside and outside the vehicles, including sensitive information about the personal lives, belongings, and location of Tesla owners and the public.

As Tesla operates this extensive data collection system, it claims to be committed to consumer privacy. Notably, Tesla's Consumer Privacy Policy states: "Camera functionality has been designed from the ground up to protect your privacy."<sup>2</sup> Although Tesla owners have the option to turn off photo and video transmissions to Tesla, Tesla also states that it has established important privacy safeguards to protect consumers' data. For example, the Consumer Privacy Policy states: "Even if you choose to opt-in, the camera recordings are limited to 30 seconds and remain anonymous, ensuring it's not linked to you or your vehicle."<sup>3</sup> It further states: "In order to protect your privacy, personal data is either not logged at all, is subject to privacy preserving techniques, or is removed from any reports before they're sent to Tesla."<sup>4</sup> This language creates the impression that Tesla customers can consent to their vehicle transmitting images and videos to Tesla without sacrificing their privacy.

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<sup>1</sup> Press Release, Blumenthal & Markey Call for FTC Investigation Into Tesla's Misleading Advertising of Driving Automation Systems" (Aug. 18, 2021), <https://www.markey.senate.gov/news/press-releases/markey-and-blumenthal-call-for-ftc-investigation-into-teslas-misleading-advertising-of-driving-automation-systems>.

<sup>2</sup> Customer Privacy Notice, Tesla (Feb. 2022), [https://www.tesla.com/en\\_eu/legal/privacy](https://www.tesla.com/en_eu/legal/privacy).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

That impression appears to have been deeply misleading. According to a recent *Reuters* report, for years, “groups of Tesla employees” shared highly invasive videos and images from customers’ vehicles — without their consent or notification — including images and videos displaying their homes, their children, other details of their daily lives, and in some cases, traumatic events such as crashes and severe child injury.<sup>5</sup> These videos, including one in which a Tesla vehicle traveling at high-speed hit a child, spread around a Tesla office in San Mateo, California like “wildfire.”<sup>6</sup> A former employee stated: “I don’t think [Tesla owners] know that their privacy is, like, not respected. . . . We could see them doing laundry and really intimate things. We could see their kids.”<sup>7</sup> And despite Tesla’s Customer Privacy Policy stating that camera recordings are anonymous, former Tesla employees claimed that they could easily see the location of recordings, which could be used to deduce a Tesla owner’s location. Shockingly, the Tesla employee practice of sharing private consumer data has reportedly been so common that camera recordings were distributed throughout company group chats to dozens of employees with no apparent response from Tesla leadership.<sup>8</sup> In fact, one former Tesla employee stated they “would never buy a Tesla after seeing how [the company] treated some of these people.”<sup>9</sup>

This apparent willful disregard for the privacy of Tesla customers is unacceptable and raises serious questions about Tesla’s management practices. We urge you to take all necessary actions to ensure that any images or videos consensually collected from Tesla vehicles are subject to strict privacy safeguards, and we request written answers to the following questions by May 5, 2023.

1. Please fully describe the purposes for which Tesla collects and retains vehicle recordings, how long those recordings are kept, and who has access to them.
2. Does Tesla restrict access to these vehicle camera recordings to certain employees or contractors through policy and technical measures? If so, please describe in detail those restrictions.
3. Why were Tesla’s policy and technical measures unable to prevent the wrongful sharing of vehicle recordings? Has Tesla investigated this misuse of highly invasive customer information?
4. Were Tesla executives aware that their employees were sharing consumer vehicle recordings, including videos and images, on internal company messaging software prior to *Reuters*’ public reporting on this topic?
  - a. If so, for how long were the executives aware of this employee behavior and what steps did Tesla take to stop this employee behavior?

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<sup>5</sup> Steve Stecklow, Waylon Cunningham & Hyunjoo Jin, *Special Report: Tesla Workers Shared Sensitive Images Recorded by Customer Cars*, *Reuters* (Apr. 6, 2023), <https://www.reuters.com/technology/tesla-workers-shared-sensitive-images-recorded-by-customer-cars-2023-04-06/>.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

- b. If not, will Tesla commit to taking all necessary steps, including formal policy changes, to ensure that this breach of consumer privacy does not happen again?
5. Are Tesla executives certain that Tesla employees no longer share vehicle camera recordings for unauthorized purposes?
6. Tesla's Customer Privacy Policy states that camera recordings "remain anonymous," but the *Reuters* report suggests that a customer's location could be easily deduced from those recordings, including tagging those videos on a map. Please describe the steps Tesla has taken to protect user anonymity.
  - a. What steps is Tesla taking to ensure that the camera recordings are actually anonymous?
  - b. Will Tesla commit to taking all necessary steps, including formal policy changes, to ensure that vehicle camera recordings do not identify the location of the Tesla customer?

Thank you for your prompt attention to this matter.

Sincerely,



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Edward J. Markey  
United States Senator



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Richard Blumenthal  
United States Senator