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U.S. SENATE CLIMATE CHANGE TASK FORCE

February 27, 2024

The Honorable Lina M. Khan
Chair
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Chair Khan,

I write to urge the Federal Trade Commission (FTC) to investigate the data privacy practices of auto manufacturers. With new advances in vehicle technology and services, automakers have been vacuuming up huge amounts of data on drivers, passengers, and even individuals outside the vehicle. Based on public reporting and responses to my own inquiries into these practices, automakers face few, if any, limitations on the collection, use, and disclosure of this data. Consumers are often left in the dark. I therefore urge the FTC to investigate the automakers' data practices and take all necessary actions to protect the privacy of all road users.

As cars have become smartphones on wheels, automakers have gained access to huge troves of valuable consumer data. From the basic functioning of different vehicle features to real-time location information to biometric information, carmakers now have access to a wide variety of sensitive data on drivers and passengers. Auxiliary devices from smartphones to sensors for insurance purposes may also share data directly with vehicles. Additionally, with autonomous vehicles using exterior-facing cameras to guide their systems, individuals outside the vehicle can now also be subject to the automakers' surveillance.

Although this personal information can be useful to ensure the vehicle is operating safely or to communicate with emergency responders after a crash, it can also be a lucrative source of revenue for automakers. As Big Tech companies have demonstrated, companies can easily monetize this data by selling consumers' personal information to data brokers, sharing or selling the information to third-party advertising companies, or displaying in-vehicle advertising. The vast data collection also comes with serious risks. In some cases, location data, accessed remotely, has been exploited by abusive partners to track domestic violence victims.¹ And

¹ Kashmir Hill, *Your Car is Tracking You. Abusive Partners May Be, Too*, N.Y. Times (Dec. 31, 2023), <https://www.nytimes.com/2023/12/31/technology/car-trackers-gps-abuse.html>.

although the automakers may disclose their data practices in the fine-print of their user manuals or privacy policies, few drivers — much less passengers or non-motorists — understand the scope of these practices. As Mozilla reported in a devastating investigation last year, cars are “the official worst category of products for privacy that we have ever reviewed.”²

Due to the growing concern with these data practices, in December, I requested that the major automakers answer questions about their data collection, use, and disclosure practices.³ The answers gave me little comfort. In general, the automakers sidestepped my questions or focused on the beneficial uses of this data — all while ignoring the real privacy risks their data practices create. For example, most automakers refused to disclose whether they transfer data for their commercial benefit. Although all the automakers responded that they provide consumers the opportunity to consent to the collection of their data, just one identified the percentage of consumers that actually provide consent. Just a handful of automakers provide consumers, regardless of their location, the right to delete their data; instead, most automakers provide that right to consumers only in states where the automaker is legally required to do so. The manufacturers also largely failed to answer whether they collect more data than is needed for the service provided, whether a consumer loses certain vehicle functionality by refusing to consent to the data collection, or whether the manufacturers have suffered a cyberattack in the last ten years. These responses raise far more questions than answers.

This ambiguity and evasiveness calls out for the investigatory powers of the FTC. Given the serious risks to consumer privacy, I urge the Commission to use the full force of its authorities to investigate the automakers’ privacy practices and take all necessary enforcement actions to ensure that consumer privacy is protected. The auto industry cannot become yet another domain that tracks and targets consumers.

Thank you for your attention to this important matter. I have appended the automakers’ responses to my letter to assist with the Commission’s work.

Sincerely,



Edward J. Markey
United States Senator

² Jen Caltrider et al., *It’s Official: Cars are the worst product category we have ever reviewed for privacy*, Mozilla Foundation (Sept. 6, 2023), <https://foundation.mozilla.org/en/privacynotincluded/articles/its-official-cars-are-the-worst-product-category-we-have-ever-reviewed-for-privacy>.

³ Press Release, Office of Senator Edward J. Markey, Senator Markey Queries 14 Automakers About Invasive Data Practices, Calls For Protections For Consumer Privacy In Vehicles (Dec. 1, 2023), <https://www.markey.senate.gov/news/press-releases/senator-markey-queries-14-automakers-about-invasive-data-practices-calls-for-protections-for-consumer-privacy-in-vehicles>.