

# Massachusetts ballot question poses privacy concerns

By Kathryn Rattigan, Esq., *Robinson+Cole*\*

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Ballot Question 1 in Massachusetts, if passed in November, would require car manufacturers that sell cars equipped with telematics systems (i.e., a method of monitoring a vehicle by combining a GPS system with on-board diagnostics to record — and map — exactly where a car is and how fast it's traveling, etc.) to install a standardized, open data platform beginning with model year 2022.

Such a system would allow the cars' owners to access their telematics system data through a mobile app and give their consent for independent repair facilities to access those data and send commands to the system for repair, maintenance, and diagnostic testing.

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An open data platform is primarily designed to help big-data developers in creating big-data applications on a common platform. It provides a baseline model to build applications and services that can be interoperable on different platforms.

While this platform would allow for use by many different users, this proposed open data platform may also presents security risks to those providing the information. From loss of confidentiality, to the higher potential for compromising personal information, releasing data inherently puts the data at risk.

Currently, Massachusetts' Right to Repair law (signed into law in 2013), exempts telematics systems from accessibility by car owners and independent repair facilities. This means that the car's telematics system may only be accessed by the brand manufacturer, which may limit a car owner's ability to choose where the system can be updated or repaired.

A "yes" to the ballot question "supports requiring manufacturers that sell vehicles with telematics systems in Massachusetts to equip them with a standardized open data platform beginning with model year 2022 that vehicle owners and independent repair facilities may access to retrieve mechanical data and run

diagnostics through a mobile-based application," while a "no" opposes this initiative.

Tommy Hickey, director of Massachusetts Right to Repair Coalition, said, "This is really a fight for Massachusetts consumers. Without this information, people may lose the choice to bring their car to an independent repair shop."

Opposingly, the Coalition for Safe and Secure Data's spokesman, Conor Yunits, said, "This ballot question will create easy opportunities for strangers, hackers and criminals to access consumer vehicles and personal driving data—including real-time location. It will put people at risk, without doing anything to improve the consumer experience."

Both sides seem to be part of a fight for consumers.

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