

Global Data Privacy and Security Team

Vehicle Event Data Recorders (i.e., the “Black Box”): At A Glance

Event data recorders, also known as “black boxes” or “sensing diagnostic modules,” capture information such as the speed of a vehicle and the use of a safety belt, in the event of a collision to help understand how the vehicle’s systems performed.

In December of 2012, the National Highway Traffic and Administration proposed a rule that would require automakers to install event data recorders in all new light passenger vehicles. Although the proposed rule would have required manufacturers to install the devices beginning in 2014, the rule was never finalized. Nonetheless, estimates indicate that most passenger cars are already equipped by manufacturers with event data recorders.

Since 2005 states have passed statutes designed to address the privacy implications of event data recorders. Although variability exists among the state statutes, most statutes require that a consumer be notified of the existence of the device prior to purchase, and restrict who may access the information on the device.



What to think about when utilizing event data recorders:

- ✓ If placing an event data recorder on a vehicle, are you permitted by your state statute to do so?
- ✓ If using event data recorder information, which state statute governs your use?
- ✓ If using event data recorder information, do you fall under one of the state exceptions?
- ✓ What are the penalties for failing to obtain appropriate consent?
- ✓ If you have obtained consent, is your consent current and valid?

Bryan Cave’s Global Data Privacy and Security Team helps clients safely collect, utilize, transfer, and monetize data.

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¹ NHTSA Press Release, “U.S. DOT Proposes Broader Use of Event Data Recorders to Help Improve Vehicle Safety” (Dec. 7, 2012).

² <http://www.ncsl.org/research/telecommunications-and-information-technology/privacy-of-data-from-event-data-recorders.aspx>.

³ See Ark. Code § 21-112-107 (2015).