

Global Data Privacy and Security Team

At A Glance: Self-Driving Cars

Self-driving cars, or autonomous vehicles, may be the greatest disruptive innovation to travel that we have experienced in a century. A fully-automated, self-driving car is able to perceive its environment, determine the optimal route, and drive unaided by human intervention for the entire journey. Self-driving cars have the potential to drastically reduce accidents, travel time, and the environmental impact of road travel. However, obstacles remain for the full implementation of the technology including the need to reduce public fear, increase reliability, and create adequate regulations. To date, a handful of states have enacted laws addressing various aspects of self-driving cars, and a dozen others are considering regulations.

Of particular concern are data privacy and cyber security risks. As vehicles become more computerized and begin to generate huge amounts of data, the potential for unwanted third-party access of that data and the risk of cyber threat increases. Hackers could potentially access the personal data of a driver, such as location, the identity of others in the car, and whether the driver is home at any particular time. Additionally, cyberattacks could have potentially fatal consequences, not just for the driver and passengers inside the vehicle, but for anyone or anything physically surrounding the self-driving car.

Bryan Cave's Global Data Privacy and Security Team advises clients on industry-specific regulations and standards that govern the responsible use, collection, and management of their customers' personal information.

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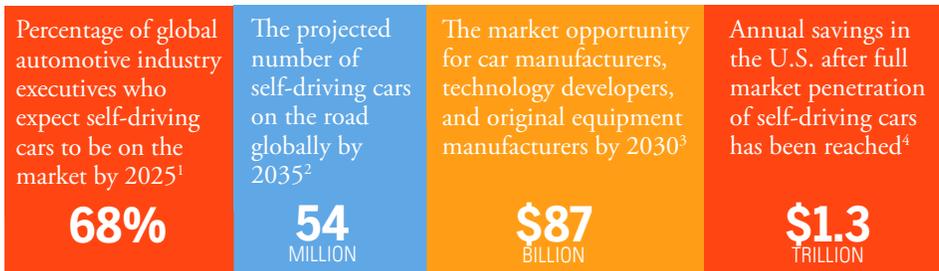
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Questions to consider when evaluating the data privacy and security issues of self-driving cars:

- ✓ Do current regulations cover your self-driving car? If so, what aspect of your self-driving car do these regulations cover, and what do those regulations require?
- ✓ What types of data does your driverless technology collect?
- ✓ Who else has access to the data and what are these third parties doing with the data?
- ✓ Do you have a duty to notify the driver of the self-driving car of the data you are either actively or passively collecting?
- ✓ Do you have a duty to notify the driver if you lose the data or, based on the data, you are aware of conditions that could put the driver in danger?
- ✓ What choices have you given, or are you required to give, the driver of the self-driving car?
- ✓ Have you attained appropriate releases of liability permitted under current regulations?
- ✓ Is your self-driving car or driverless technology susceptible to a cyberattack?
- ✓ Have you tested and determined that your driverless technology is highly resilient to cyber threat?
- ✓ Have you procured the proper insurance policy in sufficient amounts to cover likely risks and threats?

¹ "Global Automotive Industry Expects Self-Driving Cars On Sale by 2025, Says just Auto.com Survey" Digital Journal quoting just-auto.com, <http://www.digitaljournal.com/pr/1975125>

² "Emerging Technologies: Autonomous Cars—Not If, But When" IHS Automotive, <http://press.ihs.com/press-release/automotive/self-driving-cars-moving-industry-drivers-seat>

³ "Set Autopilot for Profits: Capitalizing on the \$87 Billion Self-Driving Car Opportunity" Lux Research, https://portal.luxresearchinc.com/research/report_excerpt/16874

⁴ "Autonomous Cars: The Future is Now" Morgan Stanley, <http://www.morganstanley.com/articles/autonomous-cars-the-future-is-now/>