



July 21, 2021

The Honorable Lina Khan
Chair
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Re: AAVOR Urges FTC to Take Holistic Approach to a Policy Statement on Vehicle Owner Control of Motor Vehicle Data Rather Than Focus in a Piecemeal Fashion Only on Repair and Maintenance Motor Vehicle Data

Dear Chair Khan:

The American Alliance for Vehicle Owners' Rights (AAVOR) respectfully urges the Federal Trade Commission to address the important competition and consumer protection policy issues of vehicle owners' control of, and access to, motor vehicle data in the policy statement the Commission will consider developing at its July 21, 2021 meeting. AAVOR suggests that the Commission address the issue of vehicle data access and control holistically – encompassing all vehicle generated data – as opposed to the subset of vehicle data -- “repair and maintenance” data -- that was a focus of a portion of the Commission’s “Nix the Fix” report (May 6, 2021).

AAVOR is a diverse group of stakeholders united by the common goal of guaranteeing the right of all vehicle owners and users to have access to, and control of, the data generated by their vehicles. AAVOR’s members represent interests from across the mobility ecosystem, including consumer advocates, fleet owners and operators, shared mobility service providers, automotive repairers, insurers, and telematics providers.

President Biden’s July 9, 2021 Executive Order asked the Commission to examine, consider policy statements, and potentially engage in rulemaking with respect to a wide variety of potential or actual anticompetitive activities present in today’s economy. Specifically, Section 5(h)(ii) asks the FTC to focus on “unfair anticompetitive restrictions on third-party repair or self-repair” of items -- such as motor vehicles.

AAVOR suggests that an FTC policy statement on such anticompetitive or anti-consumer protection practices address not just practices related to phones or tractors. Instead, the policy statement should focus on the broader competitive and consumer protection principles that consumers “own” all aspects of their personal property – whether a phone, a tractor, a computer or a car – and have the right to control access by third

**AMERICAN ALLIANCE FOR VEHICLE OWNERS' RIGHTS
1707 L STREET, N.W.
WASHINGTON, D.C. 20036
WWW.AAVOR.ORG**



parties – including the manufacturer of the property – to that property and the data the property stores or generates.

Addressing motor vehicle or tractor “right to repair” issues without addressing the broader issue of control of, and access to, vehicle data issues would be short-sighted and of only temporary benefit to consumers. An FTC policy statement outlining the ownership rights of consumers in their personal property – whether those rights relate to choosing their repair shop, their cellular carrier, their vehicle telematics provider, or their software provider -- would put this FTC on the cutting edge of promoting competition and protecting consumer choice. From the point of view of AAVOR members, it also would place the FTC at the forefront of the shared and sustainable mobility revolution already underway – a revolution that likely will change the way every American commutes, shops and travels in the coming decades.

Vehicle generated data is the new frontier for the development of future of mobility. Today’s connected vehicles (cars, trucks and buses) offer consumers innovative new services, and bring significant downstream business development potential for all stakeholders in the automotive sector, including, but not limited to, navigation (real-time localization/traffic information), infotainment (access to online movies/music), maintenance (fleet management/remote diagnostics/vehicle recovery), insurance (pay-as-you-drive/claim investigation), traffic efficiency (reduced congestion), sustainability (reduced fuel consumption), and safety.

However, this requires the right legal framework, which enables all stakeholders to access data generated by vehicles, starting with individual consumers and fleet owners, and extending through Original Equipment Manufacturers (OEMs), parts suppliers, vehicle repairers, and the other many players across the entire transportation sector. This vehicle-generated data is related to nearly every aspect of the vehicle’s operation and has been historically accessed through a physical “on-board diagnostics” (*e.g.*, OBD-II in passenger cars) port. A growing number of vehicles are transitioning to wireless access, bypassing the in-cabin, wired-access port. Increasingly, vehicle owners’ access to the data their vehicles generate is being restricted by the technology embedded in the vehicle.

Vehicle-generated data – whether accessed through a wired port or wirelessly -- already provides many benefits to both consumers who own individual cars and companies that own dozens or thousands of vehicles. But these benefits will only be realized if vehicle owners: (1) retain the ability to securely access and control the data their vehicles (and equipment attached to their vehicles) generate, collect and store; (2) without artificial barriers that reduce consumer choice or competition; (3) in real-time through secure, technology-neutral, standards-based, in-vehicle access; and, (4) without obtaining consent from an entity that does not own or lease the vehicle.

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WWW.AAVOR.ORG



AAVOR is convinced that the Commission should have a lead role in guaranteeing vehicle owners and lessees access to and control of all data generated, collected and stored by vehicles. AAVOR supports enactment of federal policies that safeguard the rights of vehicle owners to:

- securely access and control their vehicle data (including authorizing access by third parties);
- directly, through in-vehicle access, in real-time;
- through a technology-neutral, standards-based, secured interface;
- that provides interoperable and bi-directional communication with the vehicle.

The rights of vehicle owners to control and access the data generated by their vehicles is too important to be left unaddressed by federal regulation. AAVOR supports federal efforts to establish a framework for securing the continued rights of vehicle owners – and entities that secure the express permission of vehicle owners -- to control and access vehicle-generated data on a real-time, secure and competitive basis.

If you, your fellow Commissioners, or your staffs have questions regarding AAVOR or the policy matters referenced in this letter, please do not hesitate to contact Greg Scott at 202-297-5123 or gscott@aavor.org.

Thank you for your attention to our views.

American Bus Association
American Car Rental Association
American Property Casualty Insurance Association
Automotive Recyclers Association
Automotive Service Association
Consumer Action
NAFA – Fleet Management Association
National Consumers League
National Motor Freight Traffic Association, Inc.
Owner-Operator Independent Drivers Association

GPS Insight
Geotab, Inc.
Hertz Corporation
Lytix, Inc.
MiX Telematics
Privacy4Cars
Recall Masters
Safelite Group, Inc.
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