

**STATEMENT OF THE ACLU OF PENNSYLVANIA
ON PROPOSED LEGISLATION REGARDING
DISCLOSURE OF EVENT DATA RECORDERS
IN MOTOR VEHICLES**

**Presented by Larry Frankel,
Legislative Director, ACLU of Pennsylvania**

To the Pennsylvania House Consumer Affairs Committee

April 5, 2005

Good afternoon. My name is Larry Frankel and I am the Legislative Director for the American Civil Liberties Union of Pennsylvania. I want to thank you for inviting us to take part in today's informational meeting on proposed legislation that would require a separate written disclosure to the purchaser of a new or used motor vehicle as to whether a data event recorder or similar device is contained within the motor vehicle. Under the proposed legislation, the disclosure must include a description of the data that the event recorder or similar device records and a notice that data obtained from the event data recorder or similar device can be used as evidence in a legal proceeding.

The ACLU of Pennsylvania supports the strong disclosure requirement. Consumers are entitled to know if a device of this nature is present in a vehicle they are purchasing. Event data recorders, also known as “black boxes,” are like so many other forms of technology. While they have beneficial uses, they also have the potential to invade our privacy in a very sophisticated manner and at great cost to our privacy. Since the black boxes are capable of gathering and storing information such as the rate of speed, application of brakes, wearing of seat belts, these devices can be used as a means of tracking individuals and snooping on much of their behavior. Because event data recorders can so aggressively intrude upon privacy, it is only proper that the presence of these recorders be disclosed at the time a vehicle is sold.

The ACLU of Pennsylvania believes that the proposed legislation should also address two other important issues related to event data recorders. We think that the legislation should more clearly address questions related to ownership of the data recorded by the black boxes and who has a right of access to that data.

This is of particular urgency in light of advancing technology which will inevitably result in event data recorders with GPS receivers that record vehicle location and/or black boxes with an ability to record sound and video. It is not too difficult to imagine just how interested law

enforcement agencies, insurance companies and lawyers will be in seeking easy access to that kind of data.

Unless the legislature makes it clear that the owner of the vehicle is also the actual owner of the data, our courts will be required to make the decisions about how to protect the privacy of that data and prevent the use, misuse and abuse of that data without the owner's consent. Unless the legislature sets the rules limiting third party access to the data, we will all find ourselves defending against the improper use of that data in legal proceedings. Furthermore, without strict limits on access, the data recorded by an event data recorder is bound to come into the possession of companies or individuals who will use it for all sorts of money-making purposes.

Again, I want to thank you for asking us to be here today. I would be happy to try to answer any questions that members of the Committee may have.