British Vehicle Rental and Leasing Association (BVRLA)
Via email only: jay@bvrla.co.uk

6 December 2017

Dear Sir/Madam,

RE: Infotainment systems on rental cars

As cars become more connected, the amount of data they collect and store increases. With the General Data Protection Regulations soon to come into force, we believe it is imperative that rental companies take responsibility for customer data. The issue we wish to highlight relates to infotainment systems in rental cars.

There is a lack of clarity as to who is responsible for data held on infotainment systems. We do not believe this impedes our recommendations and in fact makes it more urgent that they are implemented by rental companies. Given conflicting responses from rental companies and manufacturers, we have referred the question as to whom is the data controller to the Information Commissioner. Therefore, whether or not you believe you are a data controller, we make the following recommendations:

- ***Recommendation 1: Provide clear advice to customers on how to delete their personal data from infotainment systems.***

- ***Recommendation 2: Wipe the data from each rental car following a rental period, and factory reset the infotainment system.***

- ***Recommendation 3: Create a policy in relation to customer data on infotainment systems.***

Data on infotainment systems

Infotainment, connectivity and electronics within a car are growing as cars become more connected with the wider infrastructure and the move towards autonomous vehicles. Whether or not you class a particular rental car as "connected," even the most basic infotainment systems offer such capabilities as allowing devices to connect

via Bluetooth, and more feature rich units have built-in satellite navigation systems. These functions enable rental cars to store information including:

- Bluetooth Connectivity (Phone identifier)
- GPS navigation (location data)
- Music streaming (e.g. Spotify account information)
- SMS texting (message history)
- Hands-free calling (call history)
- In-car internet (search and browsing history)
- Wifi (identifiers such as mac address, DNS data and leases such as DHCP)

We at Privacy International have rented cars from several rental companies across Europe including Enterprise, Hertz and Europcar. We are concerned that on every occasion personal data remained on the infotainment system of the car we rented identifying previous users' names and locations they have visited.

Rental companies put the onus on customers stating that:

It is the vehicle user's choice and responsibility to use and remove data via the infotainment options available in each vehicle.[1]

However, a more encouraging response was received from Thrifty, which told us:

Currently we would expect customers to remove any data from the vehicle prior to returning it. We are currently in the process of creating a policy as part of the GDPR implementation which we would be happy to provide in due course.

We are aware that a number of companies do have information in their terms and conditions. Those of Enterprise, Alamo and National state:

10. When you use any satellite navigation or infotainment system in this Vehicle, you are responsible for any information that is stored in the systems as a result of your use. We cannot guarantee the privacy or confidentiality of such information, and you must wipe it before you return the Vehicle to us. If you do not do this, the next users of the Vehicle will be able to access this information.

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[1] Enterprise

However, this is in the (very) small print. It is not sufficiently signposted to customers. This is evident from the fact that many people's data remains on rental cars' infotainment systems after several rentals. We also noted the small print stated:

> *You agree to provide the information in this paragraph 10 to any Additional Driver before you provide us with their personal data.*

We question how many individuals would think to tell fellow passengers to delete the data obtained from connecting their device.

In relation to the car we rented from Enterprise, we contacted the manufacturer, Nissan, who stated:

> In the event that a driver wishes to have their data deleted, there is the option, via the Settings Menu, to carry out a factor reset as follows:
> System > Factory Settings > Yes
>
> As this is a rental company fleet vehicle, Nissan does not have access to or control of a vehicle to carry out such reset after each rental customer and **would expect the customer or rental company to carry out any necessary resets.**
>
> Once a rental company returns a used rental vehicle to Nissan, our dealers are asked to carry out this factory reset, so any residual data would be deleted. Even if information remained on the system when a vehicle was returned to Nissan (before a further factory reset was carried out), Nissan would have no access to individual drivers' details to be able to link any telephone or satellite navigation information to a particular driver.

The risk

Using just a phone identifier, it is possible to link this to other information held regarding an individual such as their social media account. We note that in Baltimore a car owner tracked down teenagers who took his car for a joy ride, using the phone device names which had been paired with the the owners' Jeep's Connect system, together with searching Instagram.

There are additional security risks in leaving data on the infotainment systems. In the 2016 McKinsey report "Monetizing car data" it states:

> One of the key risks of the digital in automotive is the threat of a purposeful attack that compromises sensitive information or menaces the safe operation of a vehicle. Among the threats posed by attackers are targeting and disabling

a vehicle's safety systems, exploiting navigation/positioning information, and using a vehicle's infotainment system as a gateway to wiretap apps and gain access to personal information.

The report notes that potential attackers include sophisticated state-sponsored adversaries, criminals looking for customer data, disgruntled customers, or competitors attempting to disrupt business.

The infotainment system is going to hold increasing amounts of data. Looking to the future, the McKinsey report noted:

> *Let us think about car infotainment systems: today they are mainly engineered to allow for audio and basic interactive content to be provided to a driver who is fully concentrated on the critical task of driving. How would the car infotainment change, once fully autonomous vehicles are on the market and drivers/riders have the freedom to devote themselves to other tasks? How much more content and how many movies and virtual reality videogames could be sold if drivers could enjoy them while riding in their autonomous vehicles?*

> *More broadly, full autonomy might be the main enabler for certain use cases, such as offering virtual-reality movies or games to drivers/riders. Further, full autonomy may increase the value of some use cases (e.g. selling a larger number of features and products to drivers through the car as platform) while possibly decreasing the value of others (e.g. providing driving-style related tips and suggestions).*

> *…*

> *Safety and practicality-related considerations, however, lead us to believe that a seamless integration between external devices and the car's infotainment system will become paramount to deliver more complex offers to drivers and passengers. Whether the apps and software enabling these offerings will reside in the car's systems or will mirror what is installed in the customers' handheld device is still an open topic for industry players.[2]*

Telematics unit

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[2] Monetizing car data, New service business opportunities to create new customer benefits, Advanced Industries, September 2016

Recommendation 4: Provide clear information to customers as to what data is collected via the telematics unit

The telematics unit is a vehicle telematics system which combines telecommunication and informatics. It has two-way communication that sends, receives and stores information. It can include:
- Turn by turn navigation
- Remote access
- Notification of vehicle collision
- Vehicle location by GPS
- Control of vehicle speed
- Vehicle diagnostics and maintenance notifications

It is confusing that Enterprise states that:

> *"Our rental terms and conditions outline that it is the customer's responsibility to remove any data left on these systems."*

Enterprise did seek to contact Nissan, the manufacturer of one rented car, however Nissan did not provide a response. The fact that the telematics unit is usually located in such places as under the dashboard or central console and usually requires specialist equipment to erase appears to make this advice moot.

Data collection

Beyond the telematics unit and the infotainment system, a large and varied amount of data can be collected about individuals who rent cars. It is currently unclear what data is collected; how it is collected and by whom. We realise that some information is collected remotely by manufacturers, some data may be collected by dealerships when they service the car and some by other third parties. There is a lack of clarity relating to this echo system. We therefore make recommendations in light of this:

Recommendation 5: Provide clear information to customers regarding what other data is collected about them by means other than the telematics unit and infotainment system.

Recommendation 6: Provide clear information to customers regarding what data may be collected by manufacturers.

Conclusion

We kindly request that you respond to this letter with your responses to our recommendations.

We enclose a copy of our letter to the ICO and to manufacturers.

If you have any questions, please do not hesitate to contact us.

Kind regards,

ANCE – The European Consumer Voice in Standardisation
Campaign for a Commercial-Free Childhood
Consumer Action
Consumer Federation of America
Consumer Watchdog
EPIC
Hermes Center for Transparency and Digital Human Rights
Norwegian Consumer Council
Privacy International