



May 30, 2012

The Hon. John A. Perez
Speaker
Room 219
State Capitol Building
Sacramento, CA
95814

Re: SB 1298; oppose unless amended

Dear Mr. Speaker:

We are writing on behalf of Consumer Watchdog to seek amendments to SB 1298, which recently passed the California Senate unanimously. The bill would authorize “autonomous vehicles”-- cars operated by robots -- on California’s highways. The direct beneficiary of the legislation is Google, which is pioneering the robot-driven cars. We oppose the legislation as it is currently drafted because of the substantial privacy risks it poses if there are not protections from what Google is best known for: the collection and use of voluminous personal information about us and our movements.

It is necessary to think about the broader societal impact of a new technology before it is implemented. Why is Google the leading developer of driverless technology?

Google has emerged as the dominant force on the Internet by amassing digital dossiers on us as we use its services and selling access to us to advertisers. We are Google’s product. Google is first and foremost an advertising company; 98 percent of its \$38 billion in revenue comes from advertising. Consumers enthusiastically adopted the new technology of the Internet. What we were not told was that our use of the Information Superhighway would be monitored and tracked in order to personalize corporate marketing and make Google a fortune. Now that Google is taking to the freeways, we must prevent inappropriate collection and storage of data about our personal movements and environment before we allow Google’s robots to take to the roads and report back to the Googleplex.

Without appropriate regulations, Google’s vehicles will be able to gather unprecedented amounts of information about the use of those vehicles. How will it be used? Just as Google tracks us around the Information Superhighway, it will now be looking over our shoulders on every highway and byway. Will the data be provided to insurance companies for underwriting purposes or to third parties that develop some kind of a driving score related to where and when individuals travel? Will it be used to serve in-car advertisements or advertisements through other venues in the Google suite of products? Will it be used to track our movements and those of surrounding cars and mobile devices so that Google’s advertisers can better locate us?

Google claims its mission is to organize the world's information and make it accessible. However, when it comes to its operations and plans it is a black box. We believe Google's actions demonstrate that it cannot be taken at its word. Consider the Wi-Spy scandal, the largest wiretapping effort ever, in which Google's Street View cars sucked up emails, passwords and other data from private Wi-Fi networks in 30 countries around the world. As described by the New York Times in the attached article (<https://www.nytimes.com/2012/05/23/technology/google-privacy-inquiries-get-little-cooperation.html?hpw>) Google kept changing its story and still has not come clean. The FCC fined the company \$25,000 for obstructing its investigation of the incident. Google initially said the wire-tapping was the job of a rogue engineer but the FCC has found that, in fact, the company was well aware of the ongoing Wi-Spying activity.

Internet technology was implemented with little regard to protecting users' privacy. We are playing catch-up for our failure to consider the societal impact of a new technology. The Federal Trade Commission has called for the implementation of a Do Not Track system that would allow consumers to let websites know that they do not want data about their web surfing to be gathered.

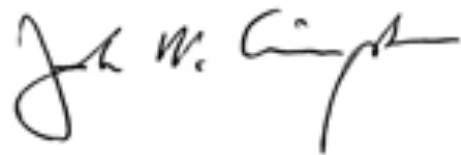
Driverless technology is not commercially viable yet, but we are certain it will be available sooner than most of us would predict. SB 1298 endorses Google's driverless technology and allows its fleet of robot-driven cars to travel on California's roads. Sadly, the bill provides no privacy protection for the users of the coming technology. The bill should be amended to ban all data collection by autonomous cars. While we don't propose to limit the ability of the cars to function by communicating as necessary with satellites and other devices, the collection and retention of data for marketing and other purposes should be banned. Unless the bill is amended, once again society will be forced to play catch-up in dealing with the impact of the privacy invading aspects of a new technology.

SB 1298 must be amended to provide that individual data profiles about the use of a driverless vehicle cannot be compiled without the user's permission and that permission should not be required for use or purchase of such a vehicle. Without this amendment, we call on you to block SB 1298.

Sincerely,



Jamie Court
President



John M. Simpson
Privacy Project Director

CC: Darrell Steinberg, Senate President Pro Tempore
Alex Padilla, Author SB 1298
Bonnie Lowenthal, Chair, Assembly Transportation Committee