

# Car data proposal sparks privacy fears

by **Steven Greenhut**

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SACRAMENTO — At a traffic school my wife once attended after getting a ticket, the instructor warned the class there are so many driving rules and so much discretion in enforcing them that any driver can be cited for something at any time. Drivers, he said, always are at the mercy of the traffic cop.

Even if that's an exaggeration, the general point seems true. We can drive without being obsessively concerned about getting pulled over because there (thankfully) aren't enough California Highway Patrol officers to stop us every time the speedometer hits 75 mph.

But what if the traffic cop were a computer that always is transmitting data about our driving habits to a government agency? That question increasingly is being asked given technological advancements and a new proposal by the state's air-quality control agency to expand the information your car's computer would be required to collect and potentially transmit to officials.

Currently, drivers get [red-light citations](#) via mail because of cameras placed at intersections. [USA Today reported](#) that some eastern states have suspended drivers from using toll lanes after their transponders showed them to be speeders. Private fleets often closely monitor, control and punish the behavior of their drivers. What's next?

The [On Board Diagnostics computer systems](#) on all of our late-model cars now collect a wide range of information mostly related to a car's emissions. When something is amiss, your dashboard flashes with a "check engine" light and you head to a repair shop to fix it. The goal is to assure cars aren't polluting the air.

But now [the California Air Resources Board is proposing regulations](#) (for a May board hearing) requiring manufacturers to significantly expand the kind of information on-board computer software collects about our driving habits.

The software could track miles per gallon, driving distances, how often one stops and starts the car, and how fast one drives. Newer cars already tell us most of this information on those nifty trip computers in the dashboard. The difference, of course, is the regulations would require our cars to also tell government officials the information.

CARB only is collecting the data in the aggregate so that it has information to help manufacturers make cleaner-burning cars, said [Mike McCarthy, the agency's chief technology officer](#). To structure future regulations, he said, "you have to know something about how the vehicle is being used." That data will only be stored in the car computer and can only be accessed by the state after a car turns six and must go to smog check.

But, again, [what's next?](#)

[On its Web site](#), CARB addresses rumors about a new program that would end smog check and use transponders to send information directly to the agency. "(N)o such program has been adopted by ARB nor have any decisions been made by ARB to pursue such an approach in California." Other states, however, are starting such a pilot program.

"This is essentially a black box for cars in which the government, not the owner of the car, will control the data," said [Adrian Moore, vice president of the libertarian Reason Foundation](#).

Gov. Jerry Brown [announced aggressive plans to deal with greenhouse-gas-causing emissions](#). CARB will help achieve this mainly through little-known rule-making changes — not well-publicized acts of the Legislature. Critics say overly aggressive goals eventually can lead to a more intrusive push to cut automotive emissions.

"The Washington Legislature passed a law in 2008 mandating a 50-percent reduction in per capita driving by 2050," said [Randal O'Toole](#), a transportation expert with the Cato Institute, a libertarian think tank. "The Oregon Land Conservation & Development Commission has passed rules mandating a 20-percent reduction in per capita driving in major urban areas. . . . It is no stretch to imagine that similar mandates, combined with software monitoring and vehicle-to-infrastructure communications, would result in such dictatorial outcomes."

This Brave New World isn't here yet, but the issue is worth some discussion and a little concern. Assembly Speaker Toni Atkins, D-San Diego, [created a new committee to deal with consumer privacy and data issues](#). Maybe the CARB proposal could be an early subject for its efforts.