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MEMBER OF



Mr. Peter Harris
Chairman
Productivity Commission
Locked Bag 2, Collins St East
MELBOURNE VIC 8003

12 December 2016

Dear Mr. Harris

The Australian Automobile Association (AAA) welcomes the opportunity to provide feedback on the Productivity Commission (PC) Draft Report on Data Availability and Use (the Draft Report). The AAA believes Australia needs a stronger data management framework to provide Australians with greater access and control of their data, and to promote transparency and accountability of governments. The AAA therefore supports the recommendations presented in the Draft Report.

The AAA is the peak organisation for Australia's motoring clubs and their eight million members. The AAA advances the interests of all road users across Australia to ensure land transport networks are safe and sustainable, and that the cost and access to transport is fair.

A review of Australia's data management practices is timely. The AAA believes current laws and practices are outdated and unable to facilitate data sharing opportunities that provide more consumer choice and improved public policy. The AAA made a submission to the PC Issues Paper on Data Availability and Use, which highlighted how a lack of accessibility to key vehicle and transport data is having a detrimental impact on the work of the AAA and its member clubs, as consumer advocates, and also on consumers who are not able to monitor market conditions and seek out affordable transport options.

The AAA believes that data is a key economic resource and strongly supports efforts to improve availability and use wherever possible. The AAA submission to the Issues Paper outlined four key policy principles in relation to data management. These include:

- Open, timely access to public data sets;
- Where possible, consistent reporting of data between jurisdictions;
- Access to and control of personal private data; and
- Open access to private data, where there is a public benefit, can improve competition and transparency.

The AAA believes the recommendations in the Draft Report align with these policy principles.

Below, the AAA has provided comment on sections of the Draft Report and the recommendations which are of strong interest to the AAA and its members.

Comment on sharing of vehicle data

The AAA welcomes the statement in the Draft Report regarding a broader consumer right to vehicle data access. The AAA reiterates its strong belief that consumers should be able to access and control their car data, either in relation to the vehicle's performance, operation or security.

Telematics technology in new cars can capture and transmit highly personal information back to the manufacturer. An investigation conducted last year on behalf of Europe's car clubs found that vehicle manufacturers can track vehicle location, trip lengths, tightening of seat belts due to sudden braking, number of high engine revolutions, tyre pressure and personal information synced from mobile phones.¹

The presence of telematics technology in cars is on the rise. In fact, the connected-car market is growing at a five-year compound annual growth rate of 45% — 10 times as fast as the overall car market. It is predicted that 75% of the estimated 92 million cars shipped globally in 2020 will be built with internet-connection hardware.² Further, McKinsey & Company estimate global revenue from car data could reach USD \$750 billion by 2030.

Clearly, there are commercial opportunities for car manufactures and other Original Equipment Manufacturers (OEM) in harvesting and managing car data. Car makers here, as they have abroad, are looking to capitalise on this opportunity. McKinsey & Co find that "Players in the car data space who are best able to build and maintain trust will find themselves in ideal positions to capture the potential rewards of car data."³

The experience in Europe has been that drivers of connected cars have only been able to share vehicle data with the relevant car maker. Many industry observers believe that if this situation is replicated in Australia, car owners may be left with little choice but to take their car to an authorised repairer, rather than an independent repairer of their choice, which will affect competition and cost. Consumers will be looking to Australian lawmakers to protect their rights to privacy and choice in the coming years.

There are great benefits to telematics technology, which should lead to early interventions and better car maintenance. However, it is vital that consumers can access their vehicle data and provide that information to other parties. With

¹ <http://www.mycarmydata.eu/>

² Business Insider Australia, "[THE CONNECTED CAR REPORT: Forecasts, competing technologies, and leading manufacturers](#)", 3 March 2015

³ McKinsey & Company, "[Monetizing car data: New service business opportunities to create new customer benefits](#)", September 2016

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access to vehicle data, consumers can choose who services their car and decide who provides services that telematics technology affords (such as remote diagnostics and assistance). This will also improve competition and keep repair and technology costs low.

Comment on draft recommendation 2.1

The AAA supports draft recommendation 2.1, which calls for a central government agency to coordinate requests for the public release of datasets. Currently, individuals and organisations can spend considerable time trying to convince government departments and agencies to release data. The AAA sees draft recommendation 2.1 as an opportunity to place an onus on the dataset holder to explain why a dataset should not be released, rather than an individual or organisation trying to explain why it should.

In its submission to the Issues Paper, the AAA outlined several datasets that are not readily available but would improve policy development and promote transparency and accountability of governments. These are fuel quality data, vehicle registration data and vehicle compliance data. The AAA would find it particularly useful to seek the release of datasets through a central government agency, especially when the datasets are held across several jurisdictions, like vehicle registration data.

Comment on draft recommendation 6.1

The AAA supports draft recommendation 6.1, which calls for government agencies to adopt and implement data management standards. Currently, inconsistent data collection and release practices across departments and jurisdictions are affecting the reliability and use of data.

The Draft Report notes several instances where inconsistent terminology and collection processes affect the usefulness of public sector data. This is particularly relevant to serious road crash injury data. Currently, Australia does not have access to accurate, consistent and readily available data on serious road crash injuries. This is because Australia's State and Territory Governments have no common definition of what constitutes a serious injury.

The fact that we do not know how many people are being seriously injured on our roads each year has been of serious concern to the AAA. Under the National Road Safety Strategy, the Australian, State and Territory Governments have committed to reducing the number of fatalities and serious injuries by at least 30 per cent by 2020. Yet with no national system for the measurement of serious injuries, it is impossible for regulators and governments to accurately measure progress. It is clear that the measurement of serious injuries must be addressed urgently in order to assess the effectiveness of actions in reducing road trauma. In fact, the AAA believes access to serious road crash injury data is of national interest.

To this end, the AAA welcomed the Government's recent commitment to fund the Australian Trauma Registry, which will gather better data on the number and type of severe injuries due to road crashes. The AAA and the Royal Australasian College of Surgeons have for some time been advocating for the Government to make this very important investment.

Comment on draft recommendation 9.1

The AAA supports draft recommendation 9.1, which calls for a definition of consumer data. The AAA notes that framing the definition of consumer data will be critical to providing Australians with greater access to and control of their data. A narrow definition is unlikely to provide additional consumer rights beyond what is already available under the Privacy Act. The definition needs to be broad and flexible; not only to make a measurable difference to the status quo, but to ensure it encompasses consumer data as it evolves in the future.

The AAA notes the "Information request" in the Draft Report on views about whether the proposed definition of consumer data would provide incentives for deliberate de-identification of data to avoid providing access. The AAA believes the parameters outlined in the Draft Report for the definition of consumer data are sound, however the AAA is concerned that dataset holders, particularly in the private sector, could undertake practices of deliberate de-identification to avoid providing access. Any such practices will need to be monitored closely.

Comment on draft recommendation 9.2

The AAA strongly supports draft recommendation 9.2, which provides Australians with a comprehensive right to access personal data and directs data holders to copy data to a nominated third party. The AAA believes this is particularly relevant to the issue of vehicle data access, as it will provide Australians with more choice about what services they choose and who provides it.

The AAA strongly supports the second part of draft recommendation 9.2, which states that Australians should be able to opt out of a data collection process. Again, this is particularly relevant to vehicle data. As telematics technology becomes more common in new cars, the ability for consumers to opt out of data collection will be important. The AAA believes consumers should not be penalised unreasonably, nor should it affect the safe operation of their vehicle, if they refuse to consent to data being collected, stored or transmitted.

Currently, consumers do not have a choice when it comes to the transmission of vehicle data, when telematics technology is embedded in the car. As the AAA stated in the submission to the Issues Paper, where opt-out provisions do exist, consumers are sometimes faced with significant operability and safety implications which limit their ability to opt-out. For example, Tesla's website

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currently states that if a customer opts out of data collection this may result in the vehicle suffering from “serious damage, or inoperability”.⁴

The AAA notes the “Information Request” in the Draft Report seeking views on methods of disclosure to ensure consumers make a meaningful choice about the data being collected about them. Privacy policies are usually long, complex and difficult to understand. If consumers are to make a meaningful choice about how their personal information is being used, the disclosure requests need to be as simple as possible and in an easy to read format. Consumers can only make an informed choice if they clearly understand what information is being collected about them and how that data is being used.

In relation to vehicle data, the AAA believes car buyers should always be provided with a written disclosure by vehicle brands informing them of what type of data is collected, stored or transmitted by their car. Further, the AAA believes written approval should be required before any data collected from a car is shared with any third party.

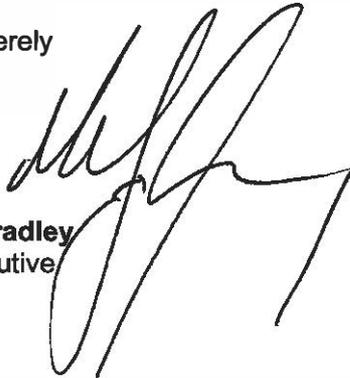
The AAA notes that prior to establishing the My Car My Data campaign to help inform Australians of the emergence of connected cars, the AAA invited 24 vehicle manufacturers that sell vehicles in Australia to make their data management policies publicly available on the campaign website – www.mycarmydata.com.au To date, eight of the 24 have responded. The AAA hopes that over time, more vehicle manufacturers will make their policies available via the My Car My Data website.

Conclusion

The AAA thanks the PC for the opportunity to comment on the Draft Report.

The AAA supports the draft recommendations and believes they provide an important framework to develop comprehensive data management practices for the public and private sectors in Australia.

Yours sincerely



Michael Bradley
Chief Executive

⁴ Tesla Customer Privacy Policy, viewed at: https://www.teslamotors.com/en_AU/about/legal