November 16, 2023

The Honorable Lina M. Khan, Chair
The Honorable Rebecca Slaughter, Commissioner
The Honorable Alvaro Bedoya, Commissioner
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

The Honorable Pete Buttigieg, US Secretary of Transportation
Department of Transportation
1200 New Jersey Ave SE
Washington, DC 20590

CC:
The National Highway and Transit Safety Authority
1200 New Jersey Ave SE
Washington, DC 20590

Dear Commissioners of the Federal Trade Commission and US Secretary of Transportation Pete Buttigieg,

We are writing to encourage you to take urgent action on cars and privacy, an issue affecting millions of Americans in every state across the country. Last month, Mozilla published a new edition of its *Privacy Not Included consumer guide, reviewing 25 global car brands that include BMW, Ford, Kia, Subaru, Tesla and Toyota against their privacy practices—gaining extensive media attention from outlets such as The
Washington Post, NPR and Fast Company. In an unprecedented first, all 25 car brands reviewed received the *Privacy Not Included* warning label. As a result, over 33,486 outraged consumers have signed a petition calling on these major brands to halt their data collection programs— an important indication of public support for more transparency and consumer choice over their privacy and personal data.

*Privacy Not Included* is a consumer guide produced by the Mozilla Foundation with the goal of making privacy practices visible and understandable to consumers. Since 2017, our researchers have selected a specific category of consumer products to conduct this privacy analysis, which has previously included categories such as connected home devices, mental and reproductive health apps, and wearable devices. The methodology for this research includes investigating and analyzing a company’s privacy policies, websites, media reports, whitepapers, consumer complaints, and other publicly available information to construct a more accurate depiction of the company’s privacy practices. Products that meet a certain threshold of privacy concerns receive an overall *Privacy Not Included* warning label.

Mozilla determined that each car company collected far more personal data than necessary and used that information for reasons other than to operate the vehicle and provide services and features to consumers, such as selling data to advertisers for profit. This is particularly troublesome when considering the multiple touch points for sensitive data collection in a car. Car companies can collect data that reveals how a consumer interacts with their vehicle, information about the connected services used in the car, and extensive personal details from the car app on a person’s mobile device (and potentially from third sources, like Google Maps or Sirius XM). Additionally, eighty-four percent of the car brands researched reserved the right to share consumers’ personal data with service providers, data brokers, and other businesses (without additional specificity). Further, 76% of the car companies studied indicated they may sell your personal data for profit, and a staggering 56% say they can share your information with the government or law enforcement in response to a simple or informal “request”— far from the threshold of a search warrant or court order. In terms of security, our researchers were unable to confirm whether any of the brands met Mozilla’s Minimum Security Standards, which includes considerations such as whether a product
uses encryption, supports security updates, or requires strong passwords. When asked (due to a lack of publicly available information), the few brands that responded still provided incomplete answers to our basic security questions.

We are encouraged to see regulators turning their attention towards shining a light on the opaque privacy practices of the automotive industry, such as the California Privacy Protection Agency in its recent announcement to review connected vehicles. We request that you use the power and tools at the disposal of your respective agencies to ensure transparency, greater privacy, and consumer agency over data collection in vehicles. Specifically, we encourage the Federal Trade Commission and Department of Transportation collaborate as necessary to:

- In light of a lack of Federal comprehensive data protections, leverage regulatory authority over the automotive industry to ensure the collection of data is opt-in, transparent, and minimized. Guardrails should furthermore prevent mass tracking of car users and transfer of personal and other sensitive data from the automotive industry.
  - This should include, as Mozilla has already supported, moving quickly to create strong privacy rules in the FTC’s Commerce Surveillance and Data Security Rulemaking.
- Issue guidance to the automotive industry to give consumers agency over their data, ensure data minimization and proper safeguarding of consumer data.
- Enforce prohibitions on unfair and deceptive acts or practices in cases where company practices went counter to their promises to consumers or unfairly disclosed sensitive information such as location, sexual activity, race, and health data.

These issues appear prevalent across the automotive industry as a whole, and are further exacerbated by the lack of a comprehensive federal data privacy law requiring consumer protecting transparency and data governance. Our research has shown precisely why consumers cannot rely on industry standard setting and voluntary commitments alone to protect their privacy interests. Until such a law is passed, our *Privacy Not Included* team will continue to work to fill in these transparency gaps, despite the challenges of sifting through confusing and often incomprehensible privacy
policies. We are hopeful that the Federal Trade Commission and Department of
Transportation can find new and existing regulatory and enforcement opportunities in
the meantime to reign in car companies’ excessive collection and abuse of consumer
vehicular data.

We look forward to further engagement with your agencies, and appreciate your
attention to this important privacy matter. If your team would like to further discuss or
have any questions, please feel free to contact: Reem Suleiman or Jenn Taylor Hodges.

Sincerely,
Ashley Boyd, Senior Vice President, Advocacy, Mozilla Foundation
The research team *Privacy Not Included, Mozilla

Contact for Additional Information:
Reem Suleiman, US Advocacy Lead, Mozilla Foundation - reems@mozillafoundation.org
Jenn Taylor Hodges, Director of US Public Policy and Government Relations, Mozilla
Corporation - jhodges@mozilla.com