Privacy and Data

The Department of Transportation’s National Highway Traffic Safety Administration (NHTSA) is investigating ways to make roadways safer. Current law stipulates that all new vehicles manufactured in the United States must include an Event Data Recorder (EDR). EDRs track and record vehicle data such as speed, steering, braking, and seat belt use of the driver, among other things. The purpose of the EDR is to capture data before and during an automobile crash so that the data can be analyzed to help explain the dynamics of a crash and inform future efforts to improve vehicle safety. NHTSA has been contacted by lobbyists from law enforcement agencies to allow them to have access to this data without the necessity of a warrant.

Pro Group: You are a lobbyist representing law enforcement agencies, and are trying to convince the NHTSA to propose legislation that would allow the data from an EDR to be accessed by law enforcement agencies without a warrant. Your argument is mainly that warrants are not necessary to access public data, and since drivers should not have any expectation of privacy on a public road, the data should be freely accessible and available to the public as well as to government agencies such as law enforcement.

Con Group: You represent a citizens’ rights group that is against allowing law enforcement, or anyone, to have access to EDR data unless they have a warrant to do so. You believe that the data captured by the EDR belongs to the owner of the vehicle, and as such, should be treated as private property, not subject to search and seizure without reasonable cause, and should not be freely available to the public or any agency, governmental, insurance, or otherwise.

Jury Group: You are an NHTSA official trying to decide what is in the best interests of the public that you serve. Should you proceed with the request of law enforcement agencies and propose legislation that would allow law enforcement agencies to access the data from EDRs without a warrant, or propose legislation that would prohibit them from doing so?