



MEETING SUMMARY

Meeting: System Technology & Data Security Subcommittee
Location: Teleconference
Date: December 2, 2020

Attendees:

Name	Organization
Precia Carraway	T-Mobile
Dylan Dias	Neal Analytics
Rose Feliciano	Internet Association
Larry Gruginski	Washington Department of Transportation
Joydeep Hazra	Nokia
Molly Jones	Washington Technology Industry Association (WTIA)
Angela Kleis	Senate Environment Technology Committee
Steven Maheshwary	Washington Department of Commerce
Leo McCloskey	Echodyne Corp
Tyler Milligan	Milligan Partners
Markell Moffett	WSP USA
Jim Restucci	Washington State Transportation Commission, WA AV Executive Committee Chair
Katy Ruckle	Washington Technology Solutions (WaTech)
Michael Schutzler	Washington Technology Industry Association (WTIA)

INTRODUCTIONS & MINUTES/ACTIONS FROM LAST MEETING

Katy Ruckle

- Introductions
- Walk through agenda

Topic closed.

COMMENTS ON WASHINGTON POLICY ACT

Katy Ruckle & Michael Schutzler

- Washington Policy Act (WPA) – [comparison of recent privacy legislation](#)¹ shared at the December 1st Environment, Energy and & Technology Committee meeting

¹ Washington Policy Act – comparison of recent privacy legislation:

<https://app.leg.wa.gov/committeeschedules/Home/Document/224016#toolbar=0&navpanes=0>



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- Compares three pieces of privacy legislation:
 - 2SSB 6281, the WPA presented last year, passed Senate 2020 but did not make it through the rest of the legislative process
 - Consumer Privacy Rights Act (CPRA) – California ballot initiative passed in November 2020, replaces the California Consumer Privacy Act (CCPA)
 - Washington Privacy Act (WPA) – August 5, 2020 draft
- Question to meeting attendees: Do any items in the bill specifically apply to autonomous vehicles or are there items that need to be added specific to AVs?
 - Nothing immediately leaps out as problematic
 - AV companies would likely not need any special accommodations in the law that make them different from the Controller and Processor applications
 - Waymo voiced concerns at November 12 Executive Committee on facial recognition laws – They use facial detection, which is imperative to their technology’s functionality, but they do not use facial identification
 - Facial recognition is not part of the new WPA, it is a separate bill – note that the facial recognition law is for government entities only, not private entities at this time
 - If the Controller and Processor application is used as the template for what an AV is, is there an aspect for notification in the way the bill is written that becomes hard to implement?
 - Scenario: If I own my AV, I am notified when I buy or first get into the AV that certain data is being passed, I give my consent. But if I step into someone else’s AV, or if the AV is fleet-operated (e.g. ridesharing), when does notification take place for me to give my specific consent? How often does/should the AV notify and receive consent?
 - The Controller and Processor application applies to entities controlling data for over 100,000 consumers a year *or* deriving over 25% of revenue from the sale of data and processing personal data for over 25,000 consumers
 - Personal use is not subject to the notice and consent requirements
 - Assume that in a fleet model, notification occurs when the consumer signs up for the service, as part of the Terms and Conditions
 - Then, after the consumer has used the service for a while, the consumer can request what data has been collected, how it was used, request to delete or correct
 - Does this bill apply to ridesharing entities? Is it written in a way that it would be clear to ridesharing companies that it applies to them?



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- Would the bill only apply to ridesharing *vehicles* operating in WA? What about *subscribers* from WA using the service in other states?
 - This bill applies to entities collecting personal information about consumers in the state of Washington
- Assume this bill would apply to sharing business models – ridesharing, vacation rentals by owner, etc.
- AV industry representatives have raised concern about how much information they have to share with the government to conduct AV testing, and when that data becomes public record and disclosable
 - It presents a competitive disadvantage to share certain data points
 - Precedent has been set in Washington through a WA Supreme Court case with Uber and Lyft vs. a researcher in Texas who requested specific trip data – Zip code trip data was ruled to be publicly accessible, the companies argued it was trade secret
- Would this bill apply to product moving AVs?
 - If the entity is collecting consumer information to provide services, then this bill would apply
 - This would apply to ecommerce transactions at the vehicle-level as well – A product mover completing a consumer transaction in the AV during the delivery, e.g. “You purchased these items, being delivered now. Do you also want this last minute item?”
 - As soon as it touches the consumer, it applies if you meet the thresholds – You are collecting data, distributing data, processing data
- How would this bill apply to AVs capturing information on vehicles around them, such as a bad driver that the AV can report the license plate of and ‘rate’ them
 - Use case could be used to improve AV operations – Knowing bad traffic areas, knowing a specific vehicle is a ‘bad driver’
 - Not sure this specific use case is contemplated in the bill
 - If the individual in the other vehicle can be identified, then this bill would apply. Otherwise it would be considered deidentified data
- Summary of discussion: This subcommittee does not have any specific recommendations at this time for the Legislature to consider for the WPA specific to AVs

Topic closed.



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FURTHER DISCUSSION ON UL4600 STANDARD

Katy Ruckle & Michael Schutzler

- Daniel Malarkey led a discussion at the November 12 Executive Committee meeting on the UL4600 standard and recommended this subcommittee take the action to learn more about this standard and follow the progress / adoption of this standard across the country
- Executive Committee response to the UL4600 standard was to have caution before going forward with adopting the standard in WA
 - There is some disagreement between the AV industry and the entities that created the standard
 - Premature to recommend the adoption of this standard
- UL4600 seems like a safety standard – is this the right committee to research and follow this standard?
 - The reason Mr. Malarkey recommended this subcommittee to follow the standard is because this subcommittee was looking at things through a cybersecurity lens, which starts to intersect with AV safety
 - Currently, this subcommittee is unaware of any cybersecurity standards specific to AVs – this standard may be a way to address that
- Recommend this subcommittee coordinates with other subcommittees so there are not duplicate efforts in this area

Topic closed.

OPEN DISCUSSION AND NEXT STEPS

Katy Ruckle & Michael Schutzler

- Katy presenting a System Technology & Data Security Subcommittee update at the December 15th Washington State Transportation Commission meeting
 - Next subcommittee meeting January 13th, 2021
 - Anticipate the WPA to be a major piece of legislation this session, this subcommittee will follow its evolution
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MEETING ADJOURNED.
