



# SUBMISSIONS TO THE EUROPEAN DATA PROTECTION BOARD

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in connection with Guidelines 1/2020 on processing personal data in the context of connected vehicles and mobility related applications (**Guidelines**) submitted by wejo Limited (**wejo**)

## 1 Who are we?

- 1.1 wejo is a trusted global partner for the automotive industry. We create innovations using connected vehicle and mobility data to create ground-breaking products and services that will revolutionise the way we travel.
- 1.2 We have more than 10 million vehicles on our platform in the US and are expanding capabilities in Europe, most recently announcing a partnership with Daimler in December 2019.
- 1.3 Our products include; connected vehicle mobility services and a neutral server offering.
- 1.4 Our position in the market has been recognised by the sector winning the accolade of "Fastest growing company of the year 2019" in the Northern Tech Awards in the United Kingdom.

## 2 Why are we submitting feedback to the public consultation?

- 2.1 We would be obliged if our feedback is taken into account because: -
  - (a) the connected car industry is valued at around USD 42 billion but is expected to sharply rise to over USD 200 billion by 2026/7; and
  - (b) businesses like wejo which provide data services to the automotive industry are essential to realising the opportunities presented by the connected car industry. Automotive manufacturers rely on data aggregators to enable efficiencies in data flows between manufacturers and service providers in support of usage models that include; urban planning and analysis, traffic management, parking services and satellite navigation data updates.

2.2 Please note that whilst we are based in the United Kingdom, we partner with automotive brands that have a presence in the European Union. Accordingly, the Guidelines will be taken into account by us in the development of our technology offerings.

**3 Feedback in respect of the Guidelines**

Paragraph	Feedback
<p><b>28 - Scope</b></p>	<p>This paragraph should specifically recognise that much of the data generated from vehicles will not constitute personal data in itself. For example, location data does not identify a living individual.</p> <p>In practice, numerous techniques are deployed to ensure that data is not attributable to identifiable drivers. For example: -</p> <ul style="list-style-type: none"> <li>• vehicle identification numbers (VINs) can be shared as "squished" VINs – which means that only part of the VIN is shared with associated car data which does not allow for the specific vehicle or the driver to be identified;</li> <li>• much data generated will not in itself be personal data. For example, aggregated journey data will not have the necessary quality to identify an individual; and</li> <li>• aggregated journey data can often be randomized when shared to third parties.</li> </ul> <p>We would welcome examples of this nature to be included within the Guidelines at paragraph 28 given that this ultimately establishes the scope of the Guidelines.</p> <p>We are concerned that failing to do so could inhibit the development of technology especially in the space where data is used "for good" to improve road safety.</p>
<p><b>37 – Definition of Data Subject</b></p>	<p>The definition of "data subject" includes reference to "<i>owner of the vehicle</i>".</p> <p>We are of the view that this overstates the position of owner in the connected car market. Much, if not all, of the data generated that can be directly associated with a data subject will either be data generated by a driver or a passenger. The owner will be, if not exclusively, the driver or the passenger.</p> <p>We appreciate that an owner may "set up" the vehicle's systems when first purchased, but we find it unlikely that thereafter the owner would never be a driver or a passenger. The occasion where the role of the owner is more likely be relevant is where an owner is a corporate entity acquiring a fleet of cars – however, they would be more accurately defined as a data controller in that case.</p> <p>We would propose that reference to "<i>or the owner of the vehicle</i>" to be removed, or as an alternative, amended to read "<i>or, in limited cases, the owner of the vehicle, e.g. when the owner creates a user account on acquiring a vehicle - but it is recognised that in most cases the owner will inevitably be the driver or passenger.</i>"</p>

<p><b>Definitions – "Location Data"</b></p>	<p>Whilst the Guidelines include General Recommendations at Section 2 in relation to "Geolocation data", the Guidelines do not include a definition of "Location Data".</p> <p>Our view is that a clear definition of "Location Data" is central to the Guidelines. For example, the Guidelines emphasise that: -</p> <ul style="list-style-type: none"> <li>• location data can reveal special categories of personal data (at paragraph 60); and</li> <li>• location data "<i>are particularly intrusive and can reveal many life habits of data subjects</i>" (at paragraph 67).</li> </ul> <p>Further, the Guidelines mention "Geolocation" data interchangeably with "Location" without explaining whether there is a difference in application. This is relevant because certain data is not treated as location data, such as GPS data - see for example, the Information Commissioner's Office in the UK in their guidance.</p> <p>The EDPB has an opportunity to provide clarity in this regard given that the GDPR also does not define what is treated as location data. We understand that the Privacy and Electronic Communications Regulations (PECR) includes a definition which should be referenced in the Guidelines for clarity.</p> <p>Most significantly, the Guidelines should also flag that location data is not <b>in itself</b> personal data.</p>
<p><b>Definitions – "Information Society Service"</b></p>	<p>The Guidelines explain that consent is not required from a subscriber or user where they explicitly request a service from the provider of an "<i>information society service</i>".</p> <p>Given that many providers will rely on this allowance in the ePrivacy directive, it would be helpful to include some examples that are relevant to the connected car industry. This may be usefully included also at paragraph 17 at "exemption 2" and paragraph 50 where the exemptions are also referred to.</p> <p>Use cases that would be beneficial include: -</p> <ul style="list-style-type: none"> <li>• Petrol station chain apps that include subscription services to indicate to drivers where nearest petrol stations are should a fuel gauge be reading low fuel reserves are based on user location; and</li> <li>• Traffic parking applications where drivers are directed to the nearest available and suitable parking space.</li> </ul>
<p><b>66 – Purposes</b></p>	<p>It would be beneficial to include reference to "fields of use" within paragraph 22 because this term is commonly used in industry.</p>
<p><b>67 – Relevance and data minimisation</b></p>	<p>We agree with the general view that special attention needs to be given to the categories of data collected from a connected vehicle.</p> <p>However, the example explains that location data should only be collected if "<i>absolutely necessary for the purpose of processing</i>". We are of a view that this position overstates the risk attached to location data.</p> <p>Instead, a more general example should be included tied back to the "fields of use" example flagged above at paragraph 66. For example, "<i>Industry</i></p>

	<p><i>participants should only collect information as required for the purposes of processing which have been disclosed to the data subject in a notice and / or specifically consented to. For example, data can be collected as required for specific fields of use communicated to data subjects."</i></p>
<p><b>76 – Anonymization and pseudonymisation</b></p>	<p>It would be helpful to include examples of anonymization within the Guidelines.</p> <p>We would suggest that specific reference is included to the examples flagged in our comments at paragraph 28 such as "squished VIN" registration plates where part of a vehicle registration plate is removed prior to sharing to third parties.</p> <p>This is relatively standard industry practice and should be recognised by the Guidelines.</p>
<p><b>93 to 95 – Transmitting personal data to third parties</b></p>	<p>The Guidelines would benefit from confirming that categories of commercial partners can be lawful recipients of data. Currently, the Guidelines reference to "<i>commercial partner</i>" in the singular.</p> <p>In practice, drivers and passengers will give permission for their data to be shared to categories of recipients, e.g. petrol stations, roadside conveniences, fast-food retailers.</p> <p>The GDPR at Article 13 recognises that such sharing is permitted by noting that privacy information should include details of recipients or "categories of recipients" that receive personal data of an affected data subject.</p> <p>Taking a granular approach as suggested in 2.8 of the Guidelines could hinder the data subject's ability to benefit from services and related offers should they be required to opt into specific data controllers.</p>
<p><b>95</b></p>	<p>Reference to the "information society service" exemption should be included here. As drafted, the Guidelines make it appear that consent is the only manner in which vehicle-usage data can be used with a commercial partner from a vehicle manufacturer.</p>

**4 Contact us**

- 4.1 We trust that this feedback is helpful. We would be pleased to discuss our feedback with your representatives should this be useful.
- 4.2 In the first instance, please contact Colin Riddell – details below.

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