

## CEMA feedback

*Guidelines 1/2020 on processing personal data in the context of connected vehicles and mobility related applications*

Version 2020 04 30

With this writing CEMA, the **agricultural machinery industry**, wants to comment on the EDBP guidelines. Although the scope of the guideline is the processing of personal data in relation to the non-professional use of connected vehicles, we see a risk for misinterpretation by those less familiar with the matter. Especially the suggestions regarding system architecture would be of concern if the guideline is incorrectly applied. Therefore, here **our suggestions**:

Overall, we would like the **scope to be clarified**. We do not believe that the EDPB checked the impact of the GDPR on professional off road mobile machinery/vehicles (further called 'industrial vehicles'). Therefore industrial vehicles should be out of scope of the term 'personal data' as specified in this document. In particular **technical data**, whether personal or non-personal according to the GDPR, should be more excluded. In this guidelines it seems that personal data is interpreted much broader, including the vehicle behaviour rather than only human behaviour. Vehicle behaviour also related to the working of the different systems and is in the interest of manufacturers to shield to a maximum extent.

Our main argument is that the GDPR already applies. The suggestions are too specific and pass by already taken measures in professional sectors like for industrial vehicles.

**The guidelines seem to suggest that some data could not leave the vehicle.** However, for the agricultural vehicle industry, all data is handled in the cloud. That is the business model. The rights of the driver (operator) on the data still holds regardless whether or not the data stays on the vehicle or in the cloud. It is all related to the safety and security measures taken. Latter must be properly embedded into the cloud and the vehicle to cloud communication. These additional guidelines are too narrow of focus and are neglecting the state of the art technologies to achieve the same level of security/safety, whether on vehicle and in the cloud.

Farmers want all data from all their machines, from different brands, in one central place of choice (Farm Management System, Farm Management Information System), which includes information and task messaging, where it can be mixed with other data (already circulating in the cloud anyway) and where they can use the apps of choice. That is impossible when keeping all data on the vehicle. Our industry

is developing the necessary safe and secure interfacing to connect different data services.

The basis for any developments and for handling professional agricultural process data from our vehicles is handled in the 'Code of conduct for data sharing by contractual agreement'. Later document of course makes reference to the GDPR to ensure that the necessary measures are taken if it concerns personal data through either direct or indirect link. And as many data is linked to GPS signals, indirectly the farm and farmer can be identified by many data streams. Our industry takes that into account. But as the sensitivity lies rather in the disclosure of the actions and business of the farmer rather than his person, the actions taken will differ.

Some particular changes in the different articles that we propose:

(§19) More clarification on the scope is desired. We would propose to state explicitly that **“data generated by industrial vehicles in a professional context are excluded”**. In that context the data relates to the business processes of the company owning the vehicle. The concept is similar to the data generated by stationary workstations in a factory, where data is used to optimise the operations of the respective businesses.

(§68 and elsewhere) Rephrase “vehicle and equipment manufacturers” into something which does not confuse with agricultural, construction, or other professional (mobile) equipment manufacturers. We would propose to use **“vehicle and vehicle terminal manufacturers”** or **“vehicle and component suppliers”**.

(§99) Make a clear **distinction between wi-fi and internet access**. Wi-fi can be used for other purposes than internet, as is the case in our business segments, and most likely elsewhere too.

### About CEMA

*CEMA ([www.cema-agri.org](http://www.cema-agri.org)) represents in total 7,000 manufacturers of agricultural equipment consisting of large multinational as well as numerous small and medium-sized enterprises (SMEs). The sector has a total annual turnover of €40 billion and provides employment for 135,000 people directly in the sector and another 125,000 persons indirectly in the distribution and service network.*