Vehicle Data Access, Privacy & Security Committee

PRESENTED BY:
CO-CHAIRS: DAN RISLEY, FRANK TERLEP
Data Privacy & Security Committee

Mission: To identify, present on and discuss topics surrounding data access, exchange and protection; and the ways in which these topics impact businesses operating within the collision repair industry.

Committee Members:

- Frank Terlep: asTech®
- Dan Risley: CCCIS
- Trent Tinsley: ARMS Business Solutions
- Aaron Schulenburg: SCRS
- Rick Palmer: Computerlogic
- Kelly Cooper: 1Collision
Agenda

- Review of April Presentation (CA AB 375)
  - New Amendments
- PII
  - What is it
  - How to handle PII properly
- Privacy Work Done to Date
- Question for the Body
AB 375 Amendments Being Considered

- **AB 25**: Exempts personal information if it is used for the employment
- **AB 874**: Would create a clear public record exemption from the definition of “personal information.”
  - Would clarify that “personal information” does not include consumer information that is deidentified or aggregate consumer information.
- **AB 981**: Would add privacy requirements to the California Insurance Information and Privacy Protection Act (“IIPPA”) to reflect the CCPA and would eliminate a consumer’s right to request that a business delete or not sell personal information under the CCPA if it is necessary to retain or share the personal information to complete an insurance transaction requested by the consumer.
- **AB 1146**: Would exempt certain vehicle information shared between a new motor vehicle dealer and specified parties
AB 375 Amendments Being Considered

• **AB 1355**: Would amend the CCPA to exclude consumer information that is deidentified or aggregate consumer information from the definition of “personal information.”
  • Clarifies a consumer’s right to request “specific pieces” of personal information must be disclosed in the business’s online privacy policy or policies
  • Opt-in consent is required to sell the personal information of children less than 16 years of age (not including children who are 16 years of age).
• **AB 1416**: Would add that the CCPA shall not restrict a business’s ability to comply with any rules or regulations
  • Share personal information with a government agency solely for the purposes of carrying out a government program
  • Sell the personal information of consumers who have opted out of sale for the sole purpose of detecting security incidents, protecting against malicious, deceptive, fraudulent, or illegal activity and prosecuting those responsible for that activity
• **AB 1564**: Requires businesses to make available, in a reasonably accessible form to consumers, a toll-free telephone number or an email address and a physical address for submitting requests for information required to be disclosed under the law.
  • If a business maintains a website, the bill requires the business to make the website address available to consumers to submit requests for information.
Other States Looking at Similar Laws

- Hawaii: SB 478
- Maryland: SB 0613
- Massachusetts: SD 341
- Mississippi: HB 2153
- New Mexico: SB 176
- New York: S 000224
- North Dakota: HB 1485
- Rhode Island: S 0234
Protect Personally Identifiable Information
What makes up PII?
(Personally Identifiable Information)
How to Protect PII

- **TAKE STOCK.** *Know what personal information you have in your files and on your computers.*
- **SCALE DOWN.** *Keep only what you need for your business.*
- **LOCK IT.** *Protect the information that you keep.*
- **PITCH IT.** *Properly dispose of what you no longer need.*
- **PLAN AHEAD.** *Create a plan for responding to security incidents.*

Data & Privacy Work Occurring Within the Industry
DATA SECURITY POLICY AGREEMENT/ADDENDUM

The purpose of this Data Security Policy Agreement/Addendum ("Agreement") is to protect and limit the unauthorized disclosure and use of "Personal Information" and "Proprietary Technical Data" as defined herein from one party (the "Disclosing Party") and the other party (the "Receiving Party") as set forth in the main agreement between the Disclosing Party and the Receiving Party. This Agreement supplements any prior agreements between the Parties as to the subject matter and, to the extent that there is a conflict between the terms of this Agreement and any prior agreement, the terms of this Agreement shall control.

For purposes of this Agreement, the following terms have the following meanings:

1. "Personal Information" means either of the following: (a) an individual’s first or last name and, if his or her last name is in combination with any one or more of the following data elements, where either the name or the data elements are not encrypted or redacted: Social Security number; Driver’s license number or state identification card number; Account number, credit or debit card number; combination with any required security code, access code, or password that would permit access to an individual’s financial accounts; Medical information; Health insurance information; (b) Automobile Insurance information; (c) Vehicle Identification Number ("VIN"); (d) A customer or account address in combination with a processor or account number and account that would permit access to an online account. "Personal Information" does not include publicly available information that is lawfully made available to the general public through federal, state, or local government repositories.

2. "Proprietary Technical Data" means the terms of this Agreement and any and all information, data, software, material or any part of a work, confidential or proprietary, that relates to the business of the receiving party or its Affiliates, including matters of a technical nature (such as know-how, processes, data and techniques), matters of a business nature (such as information about costs, profits, discounts, markets, sales, customers, suppliers, the receiving party’s contractual dealings with each other and the projects – including preliminary, interim or final costs, methods, scope, parts, and/or procedures used to repair one or more vehicles) – that are the subject matter thereof, matters of a proprietary nature (such as information about patents, patent applications, copyrights, trade secrets and trademarks), other information or a similar nature, and all other information which has been derived from the foregoing information by the receiving party provided, however, that any information that does not include information which is the subject matter thereof is not Proprietary Technical Data.
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Next Steps?
Legislative Updates
Should Legislative Committee assume responsibility for Data & Privacy Law Updates?

A. Agree
B. Disagree
C. Abstain
Should Our Committee Focus in Work Product?

Work product defined as a tutorial/guide on how to determine **WHO** is accessing your business data, **WHAT** data is being collected, **HOW** the data that is being collected is being used, **HOW** can I “opt out” of sharing some or all of this data?

A. Agree  
B. Disagree  
C. Abstain