

FAQs

Regulating government access to C-ITS and automated vehicle data

What work is the NTC completing?

The NTC is assessing if Australia's information access framework, as it applies to government collection and use of information, is sufficient to protect privacy given the significant developments in transport technology. We are focusing on two areas that form a limited part of intelligent transport systems (ITS): **Cooperative ITS (C-ITS)** and **automated vehicles**.

We released a discussion paper for consultation in September 2018. The discussion paper outlines and seeks feedback on:

- potential new privacy challenges of government access to information generated by C-ITS and automated vehicle technology
- whether Australia's information access framework is sufficient to address these new privacy challenges
- proposed options for reform if the current framework is not sufficient.

What is C-ITS technology?

C-ITS technology allows vehicles to communicate directly with other vehicles and infrastructure, such as traffic signals. This provides a platform to help vehicles avoid collisions and to help road managers improve network efficiency. C-ITS data is produced when components of the transport network (vehicles, roads and infrastructure) communicate and share real-time information (for example, information on vehicle movements, traffic signs and road conditions) through C-ITS devices.

How does automated vehicle technology differ from C-ITS technology?

Automated vehicles are vehicles that include an automated driving system capable of performing the entire dynamic driving task (steering, acceleration, braking and monitoring the driving environment) on a sustained basis. Automated vehicle data is derived from a combination of vehicle technology sources that together enable the operation of an automated vehicle. Automated vehicle technology will most likely produce and retain data about vehicle behaviour and vehicle occupants. It does not necessarily require communication with other vehicles or transport infrastructure with C-ITS technology to operate. The NTC makes this distinction between the two technologies to highlight that C-ITS and automated vehicles are related but separate elements of the ITS ecosystem.

What is 'Australia's information access framework'?

We use the term 'Australia's information access framework' to refer to existing privacy protections, and powers to collect information that collectively provide the framework for governments to access, use and disclose information. This includes legislation at state and federal level. The main elements are: privacy laws, government collection powers and surveillance device laws.

Why is the NTC undertaking this work?

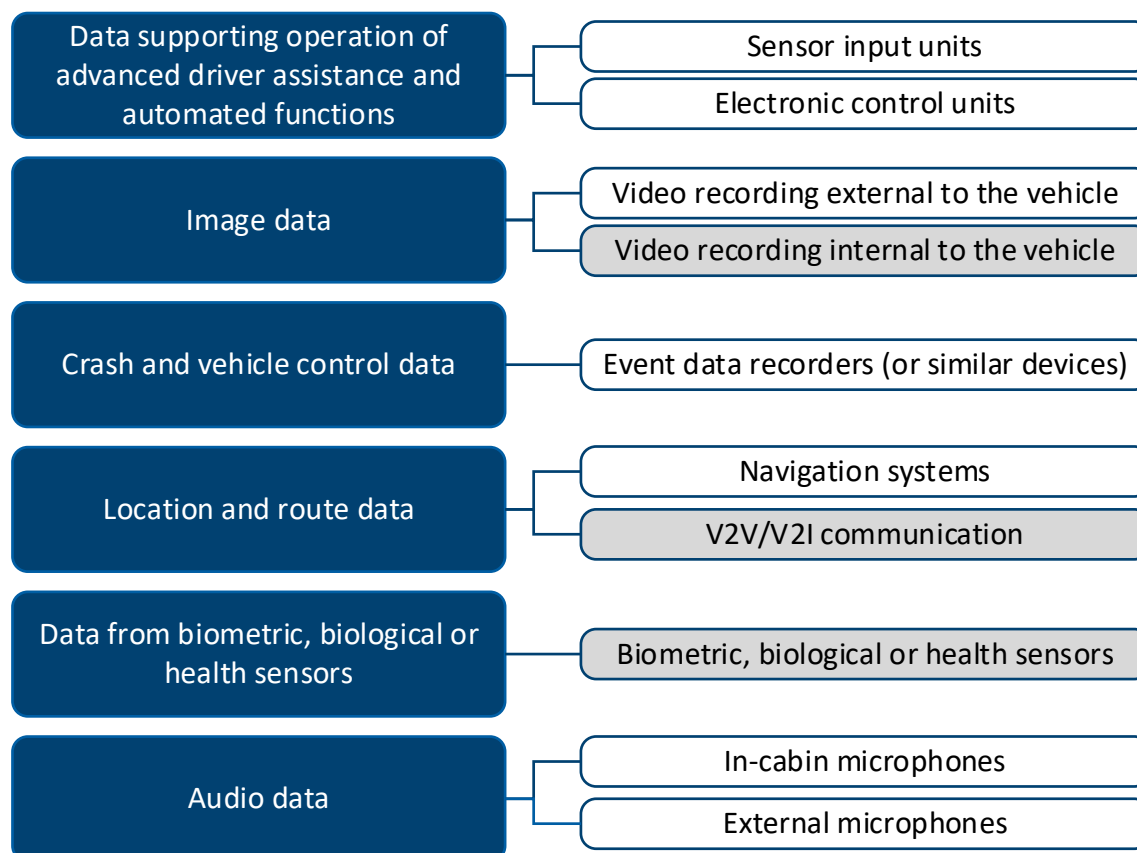
This work derived from two previous recommendations that the NTC consider options to manage government access to C-ITS and automated vehicle data that provide sufficient privacy protection for users.

It forms part of the NTC's broader automated vehicle national reform program. As part of these broader reforms, the NTC is considering data recording and sharing obligations on automated driving system entities and will consider new powers for governments to access data, including for law enforcement purposes.

What vehicle technology does the paper focus on?

The NTC is focusing on data generated by C-ITS and automated vehicle technology. The paper also focuses on data produced by current vehicle technology as a point of comparison. Figure 1 below provides an overview of technology in vehicles.

Figure 1: Likely technology in vehicles (grey shading indicates C-ITS and automated vehicle technologies that may create privacy challenges and are likely to be widespread in future vehicles)



Is the NTC considering access to C-ITS and automated vehicle data by the private sector?

No. The NTC is only examining whether additional privacy protections for government collection and use of information generated by C-ITS and automated vehicle technology are needed. **The NTC is not examining Australia's information access framework as it applies to the private sector, except as it relates to government access to data held by the private sector.**

We acknowledge there may be concerns by individuals about private sector access. The NTC has previously found that private sector access to data is a significant societal issue that is much broader than automated vehicle policy and regulation. Privacy laws covering the private sector already regulate private sector access.

What research and consultation has the NTC conducted to date?

As part of initial background research and consultation, the NTC engaged with information and privacy commissions, state and territory transport agencies, various industry stakeholders and academics.

In preparing the discussion paper, the NTC engaged academics from the University of New South Wales (UNSW) to complete an independent legal research report. The report analyses the application of Australia's existing information access framework to information associated with C-ITS and automated vehicle systems. The UNSW's report informed and supported the NTC's development of issues and analysis in the discussion paper. It is available on the NTC's website.

What are the preliminary findings in the discussion paper?

The NTC identified three categories of potential new privacy challenges of C-ITS and automated vehicle technology:

- Category 1 – new information captured by automated vehicle technology
- Category 2 – C-ITS technology may allow for more widespread direct collection of location information by government
- Category 3 – C-ITS and automated vehicle technology will generate a greater breadth and depth of information.

The NTC considers that data produced by C-ITS and automated vehicle technology will likely be personal information and sensitive information, especially when held by road agencies and law enforcement agencies.

The NTC found some gaps in Australia's information access framework to sufficiently address the new privacy challenges of government collection and use of C-ITS and automated vehicle technology. The gaps identified primarily relate to potentially wide allowable collection, use and disclosure of personal information, especially for law enforcement purposes. These gaps may result in increased surveillance opportunities for law enforcement and the ability for government to use and disclose the greater breadth and depth of personal information generated by C-ITS and automated vehicle technology once it is collected.

What is the NTC's role?

The National Transport Commission is responsible for developing an end-to-end regulatory system for the safe commercial deployment of automated vehicles in Australia.

What options is the NTC proposing to address the new privacy challenges?

Based on the NTC's preliminary findings, the paper includes options focusing on appropriately limiting government collection, use and disclosure of C-ITS and automated vehicle information to specific purposes.

The NTC is proposing separate options for addressing the privacy challenges of C-ITS technology and of automated vehicle technology because the issues and implementation options differ.

The options for both C-ITS and automated vehicle technology range from no change (option 1), to agreeing broad principles (option 2) to more specific limitations on government collection, use and disclosure of some or all C-ITS or automated vehicle information (options 3 for C-ITS and options 3 and 4 for automated vehicles).

All options will guide the development of further work. The NTC proposes that any automated vehicle recommendations will guide the development of the NTC's broader automated vehicle reforms, rather than be standalone reforms. The NTC is not completing other C-ITS reform development. Austroads is currently developing a national framework for C-ITS. As such, the NTC proposes that issues identified and any recommendations relevant to C-ITS inform Austroads' overall consideration of privacy for the C-ITS framework.

Does the NTC have a preferred option?

At this stage of C-ITS and automated vehicle development, the NTC considers that agreeing broad principles (option 2) is the preferred option for both C-ITS and automated vehicle technology.

Agreeing broad principles best addresses the identified challenges while ensuring that governments can appropriately use information from future vehicle technology to benefit the community. This approach would help guide further development of the regulatory framework for C-ITS and automated vehicle technologies, whilst providing a sufficient degree of flexibility as the technology develops.

While the NTC considers that options for addressing the privacy challenges of C-ITS technology should be separate to those for automated vehicle technology, the NTC recognises that there is a degree of overlap in the issues and principles for both technologies. As such, the NTC has developed a single set of draft principles to address the privacy challenges of both these technologies.

The NTC will reassess these conclusions based on the feedback we receive through the consultation process.

How can I provide feedback on the discussion paper?

The NTC is seeking feedback on its findings and options. The discussion paper includes questions which we are seeking feedback on. Submissions can be made via the NTC's website [here](#).

Next steps

27 September 2018	Discussion paper available for comment
22 November 2018	Consultation on the discussion paper closes
Nov 2018 – Mar 2019	NTC to prepare policy recommendations for the Transport and Infrastructure Council meeting in May 2019
May 2019	Australian transport ministers decide policy on regulation of government access to C-ITS data and automated vehicle data

Relevant links

[Regulating government access to C-ITS and automated vehicle data](#)

[Submissions to NTC projects](#)

[Information about the NTC's automated vehicle program](#)