

SUMMARY -- HB 421

Protecting the Privacy of EDR Information

- (1) Establishes that the information gathered on automobile event data recorders (black boxes) is the personal property of the vehicle owner or lessee.
- (2) Prohibits the release or transfer of this information without either a) the owner's written consent, or b) a district court order asserting compelling state interest.
- (3) Allows retrieval of data specifically for vehicle repair diagnosis or emergency medical response. EDR data may also be used for vehicle safety and medical research, provided owner's identity guaranteed to be undisclosed.

COMMENT: Most citizens are not even aware that their vehicle is likely to be equipped with an event data recorder, that monitors and records a driver's speed, use of brakes, and various other information on the vehicle's systems. This data is commonly accessed without a search warrant, and may be used in a variety of ways – without the owner's knowledge or permission. This bill establishes the privacy interests of the vehicle owner, in accordance with the Montana State Constitution, and prohibits unrestricted access to this information. In so doing, the bill goes beyond event data recorders, and begins to build a legal bulwark against unwanted private sector and governmental intrusion into our private lives through access to electronic data. Considering the rapid advance of technology in this area, and the amount of detailed information already being collected on private citizens, this legislation comes none too soon in asserting our essential privacy rights over our own private data.