



22 November 2018

Attn: Regulating government access to C-ITS and automated vehicle data  
National Transport Commission  
*Submitted online via the NTC submission portal*

Thank you for the opportunity to provide feedback on the Regulating Government Access to C-ITS and Automated Vehicle Data Discussion Paper.

The Paper presents a timely opportunity to ensure that the full potential of data, given the technological advances that better enable its capture, analysis and usage, is harnessed to meet consumer, business and government needs.

IAG notes that the issues of access to data by motor accident injury insurers, the information access framework for the private sector and access to automated vehicle data by consumers for disputing liability are out of scope for this paper. However, we consider that collection and use of connected and automated vehicle (CAV) data by government should be considered concurrently with private sector access, specifically, insurers. We consider there are important and relevant issues which should also be examined as part of the overall framework relating to the production, collection and use of data generated by CAV's vehicles. Further, Australia's Cyber-Security Strategy should be considered in support of the data privacy objectives.

#### **About IAG**

At IAG our purpose is to make your world a safer place, which means we are working to create a safer, stronger and more confident tomorrow for our customers, partners, communities, shareholders and our people throughout the Asia Pacific region.

IAG is the parent company of a general insurance group. The Group's businesses underwrite over \$11 billion of premium per annum. Our businesses sell insurance under many leading brands, including: NRMA Insurance, CGU, SGIO, SGIC, Swann Insurance and WFI in Australia; NZI, State, AMI and Lumley Insurance in New Zealand.

### **IAG, insurance and access to CAV data**

Increasingly government delivers services to the community with the assistance of private sector partners. The nature of a government's relationships with its partners and the access third party private sector entities are given to personal information collected by government is not always clear. The lack of transparency in these arrangements may contribute to community privacy concerns and insurance will be one of many of these ongoing and increasingly linked relationships.

For example, Compulsory Third Party Insurers work very closely with government to deliver public policy. A CTP regulator will require insurers to capture information and supply it to government in real time, insurers have access to a personal injury database that includes claimant, policy holder and cost information for claim handling and underwriting purposes. Personal information is shared between government and insurers for the benefit of all road users in maintaining scheme sustainability, affordability and service delivery.

While there could be a reluctance to accept CAV transport due to privacy concerns, Australian's are willing to accept some curtailment of their privacy interest in favour of concerns about law and order<sup>1</sup> and insurance forms an important part of that order.

At IAG, our objective is to make our customers safer and more confident through the products and services we deliver, and insurance will be a crucial part of consumer confidence in engaging with this new and relatively untested technology. Insurance is interdependent with the risk faced by individuals, businesses or communities. When consumers purchase insurance, they transfer certain risks to an insurer for peace of mind that they will be compensated for damage should an unexpected event occur. However, to deliver on this, insurers need to identify and manage the costs of those risks to ensure the premiums they charge meet the cost of future claims as they arise.

The new risks posed by CAV's are virtually unknown and only access to the suite of CAV behaviour data will allow insurers to understand these risks. In that sense, we support principle 7 of the draft principles for addressing the privacy challenges as it will allow for collection of data, without compromising privacy of individuals.

The Productivity Commission's report on *Data Availability and Use* described an '*extraordinary growth in data generation and usability has enabled a kaleidoscope of new business models, products and*

---

<sup>1</sup> For Your Information: Australian Privacy Law and Practice (ALRC Report 108); [www.alrc.gov.au/sites/default/files/pdfs/publications/7\\_6%20Executive%20Summary.pdf](http://www.alrc.gov.au/sites/default/files/pdfs/publications/7_6%20Executive%20Summary.pdf).

*insights*<sup>2</sup> and CAV's promise to increase this situation exponentially. The changes to society's mobility that CAV's will bring, and the unknown new risks faced means that insurer's ability to access and use data is critical for the adoption and acceptance of CAV's.

When considering the framework for government access to CAV data, we consider it necessary to consider insurer access to data at the same time. Without considering both together, there is a risk of missed opportunities in creating a national, integrated framework which is the only way the full benefits of a CAV world can be realised.

One recommendation of the *Data Availability and Use* report was that datasets of national interest would be controlled under a new Data Sharing and Release Act, resourced by the Commonwealth as a national asset<sup>3</sup>. It is IAG's view that any CAV data access and use framework should be included under this proposal.

### **Data and privacy**

IAG in principle supports availability of both private and public-sector data to stimulate innovation and elevate Australia's international competitiveness. The benefits of open data need to be balanced with the numerous consumer risks posed by greater availability of data. Privacy can be protected to some extent by implementation of the Australian Privacy Principles and best practice data management. However, privacy breaches are only one example of potential consumer detriment arising from data misuse. Transparency and ethical use of data are essential to ensure consumer benefit from data sharing. While regulation is incapable of addressing the wide array of constantly evolving opportunities for data misuse, strong market incentives exist to maintain consumer trust and handle data appropriately. Consumer protection can be further strengthened by government initiatives to educate citizens about the digital environment.

With that context, IAG makes the following comments on the data access framework:

1. Consumers should be offered degrees of opt-in when agreeing to supply their data. Further, this opt-in approach should give consumers certainty that when they cross State borders, that the consent they gave will not be altered by different State laws. The importance of national harmonisation and benchmarking of standards for all aspects of a CAV transport system cannot be overstated.
2. Integrity in data collection and security is critical to ensure privacy and appropriate use of data. The data collecting authority must be a neutral, disinterested entity.

---

<sup>2</sup> Productivity Commission Inquiry Data Availability and Use, No. 82, 31 March 2017; [www.gov.au/inquiries/completed/data-access/report/data-access-overview.pdf](http://www.gov.au/inquiries/completed/data-access/report/data-access-overview.pdf).

<sup>3</sup> *Ibid.*

3. Systems and measures must be in place to ensure CAV data remains uncorrupted, until it is put to all necessary uses.
4. We do not agree that sound recording in CAV's presents no new privacy challenges. In IAG's view, audio data is equally as sensitive as video as it contains equally personal information.
5. As noted in the paper, the ownership model for automated vehicles cannot be predicted with any certainty. However, categorisation of CAV data as personal data leads to the rights over control, access and use sitting with the occupants of the vehicle, rather than the manufacturer or ADSE, allowing CAV consumers to gain from emerging legislation and best practice.
6. We support the right of consumers to eventually have their data erased.

IAG welcomes the opportunity to discuss any issues raised in this submission further. Please contact Louise Kerkham, Principal, Public Policy & Industry Affairs on 02 9292 1206.

Sincerely,

A handwritten signature in blue ink, appearing to be 'CW', with a long horizontal flourish extending to the right.

Cecilia Warren  
Director, Research & Development  
IAG