

This technology not a big privacy concern

By David Krugler

Our client was driving her 2007 Mercury on I-75 when she plowed into the back of a broken-down truck, shattering her leg and sustaining other injuries.

The trucking company's insurance company denied any responsibility, claiming our client was probably speeding and wasn't paying attention. But we had an impartial, impeachable, independent witness to the accident – a black box in our client's car.

Data downloaded from the car's black box proved our client wasn't speeding and had braked as soon as possible. The insurance company settled the claim.

These black boxes, also known as event data recorders or EDRs, date back to 1990 and are on 96 percent of new cars. The National Highway Traffic Safety Administration wants to require all new vehicles to come equipped with black boxes by September 2014.

I have strong concerns about privacy and the collection and storing of data by corporations and the government. However, the basic information obtained and recorded by black boxes today should not cause privacy concerns for several reasons:

1. The 30 seconds of data recorded by black boxes after a recordable event is the mini-



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imum necessary to get a snapshot of the vehicle's actions prior to a wreck. This function does not continuously track and record your every movement.

2. Event data is recorded and saved internally on the black box only; it is not uploaded to some giant database where it can be monitored or used for some other purpose.

3. Accessing event data is not easy or inexpensive. The information can only be done using proprietary software and has to be interpreted by an expert to testify in court.

So why has the public reacted so negatively to the NHTSA's proposal to require black boxes in all passenger vehicles? Part of it is fear following recent revelations about secret government collection of emails and texts. This fear is misplaced.

The problem is not with the

basic function of black boxes in collecting "event data," but from fear of an expansion of the data collection. While it might be true that technology advances could lead to monitoring and recording of a driver's personal habits – from their radio stations to their cell phone use – that expansion is not available today. Privacy concerns about the advancement of black box technology in this regard is legitimate and should be addressed when we cross that line. But the current proposed solution – allowing drivers to turn off the black box altogether – is a step in the wrong direction.

Both civil and criminal legal issues often depend on a single witness's recollection of events that happen in a split second. When someone's livelihood or freedom is at risk, a black box can literally change the course of their life.

In addition to determining the cause of accidents, it is hoped that another benefit is that drivers begin to practice safer driving habits. With more than 30,000 Americans dying every year in automobile accidents, if we can do something as non-intrusive as installing a small black box where data is only compiled post-crash, we could potentially save thousands of lives and protect our loved ones.