



State Bar of Michigan IT Law Section  
9<sup>th</sup> Annual Information Technology  
Law Seminar

***Internet of Things***  
***Data Privacy and Security***

September 8, 2016  
The Inn at St. John's  
Plymouth, Michigan



INFORMATION TECHNOLOGY LAW SECTION

# Introduction



INFORMATION TECHNOLOGY LAW SECTION

# Panelists

- Deborah Gertsen Counsel, Global Privacy, Ford Motor Company
- Renee J. Phillips, Counsel, GM Legal Staff – Privacy
- Mark Werling, Senior Counsel, Fiat Chrysler

# Application to Vehicles?

Are there meaningful privacy and security differences between vehicles and other IoT connected devices?

What are connected cars? Are they the same as self-driving cars we have been hearing about?

What sources of guidance materials do you consider when evaluating connected car privacy issues?

What are FIPPs; can you explain a little bit about those?

# What are the Privacy Principles for Vehicle Technologies and Services?



Notice: What is that all about?

# What elements need to be disclosed?

Who should be entitled to  
receive notice?

# How should notice be delivered?

# When should notice be delivered and how often?

Who owns the data created in or  
by a motor vehicle?

Are there other concerns in  
providing notice?

Are there meaningful choices for consumers to make about the use of information collected by the vehicle?



# How does a consumer exercise choice?

How do you decide who does the choosing?

Are there systems where choice may not be appropriate, or that for the benefit of society, consumers should not even be offered a choice?

# What about the cybersecurity concerns of motor vehicles?

Is there cooperation among the automakers in the cybersecurity area or is this another area of competition?

What is the likely privacy impact beyond connected vehicles of new concepts such as car sharing or self-driving cars?

# Bios

**Deborah Gertsen** has served as Ford Motor Company's lead corporate privacy counsel since 2008. Her responsibilities include managing legal privacy input to support global data transfer initiatives. Before 2008, she handled a variety of trial and appellate litigation matters and compliance matters for Ford's Office of the General Counsel, which she joined in 1994.

Deborah graduated *magna cum laude* from the University of Wisconsin – Madison Law School, and With High Honor from Michigan State University with a B.S. in Sociology and Psychology. She is a Certified Information Privacy Professional (CIPP) with the International Association of Privacy Professionals.

# Bios

**Renee Phillips**, counsel at General Motors, has been part of GM's privacy group since its formation in 2001. Her primary focus is to provide privacy support to vehicle product development and engineering, ensuring privacy principles are designed in to the data-driven vehicles of the future. She also provides input into privacy legislation affecting the auto industry and coordination of privacy matters with colleagues outside the U.S. Before coming to privacy, Renee supported compliance and legislative review for GMAC Insurance, GM's former captive insurance company.

Renee attended Michigan State University School of Law, and Michigan Technological University, where she earned a B.S. in Management Information Systems. She is a member of the International Association of Privacy Professionals.



# Bios

**Robert L. Rothman** has been a Principal in Privacy Associates International LLC, a privacy consultancy, since 2009. He was previously the Chief Privacy Officer of General Motors where he established the GM Global Privacy Center.

Mr. Rothman held a variety of other positions during his career at GM, including Vice President and General Counsel of General Motors International Operations and General Counsel of General Motors Europe, both in Zurich, Switzerland. He was General Counsel of Delphi Automotive Systems in Troy, Michigan and led the legal function of eGM, GM's global e-commerce unit, in Detroit.

Mr. Rothman holds a JD from Ohio State University, an MBA from Duke University, and an AB in Chinese from the University of Michigan. He is an Adjunct Professor of Law at the Thomas M. Cooley Law School teaching privacy and international law courses and has taught privacy law at the Wayne State University Law School. Mr. Rothman is a frequent speaker at legal, business and government functions. He is a member of the Council of the International Law Section and the IT Law Section of the State Bar of Michigan and co-chairs the IT Law Section's Privacy Committee.

# Bios

**Mark Werling**, senior counsel at Fiat Chrysler, joined the automotive scene in 2010. He is the lead attorney for the US Privacy Office, a cross functional group responsible for policy development, training, and incident management. He also has responsibilities for NAFTA procurement contracting, dispute resolution, and distress supplier remediation.

Mark came to FCA from Faegre Baker Daniels, Indiana's largest law firm, where for twelve years he practiced business bankruptcy and commercial litigation. His prior experience includes accounting work for Coopers & Lybrand in Indianapolis and NCR GmbH in Augsburg, Germany.

Mark attended the Indiana University School of Law, where he graduated Magna Cum Laude, and Indiana University, where he earned a B.S. with high distinction in accounting. Outside the office, he has served as the president and charities board chair of the Pontiac Rotary. He is a member of the International Association of Privacy Professionals.

# Resources

**National Telecommunications & Information Administration** In the Matter of The Benefits, Challenges, and Potential Roles for the Government in Fostering the Advancement of the Internet of Things Docket Number 160331306-6306-01:

[http://www.ntia.doc.gov/files/ntia/publications/fr\\_rfc\\_iot\\_04062016.pdf](http://www.ntia.doc.gov/files/ntia/publications/fr_rfc_iot_04062016.pdf)

**Received comments at:**

<http://www.ntia.doc.gov/category/internetpolicy-task-force>

<https://www.ntia.doc.gov/federal-register-notice/2016/comments-potential-roles-government-fostering-advancement-internet-of-things>

**FTC Staff's comments June 2, 2016:**

[https://www.ntia.doc.gov/files/ntia/publications/p165403\\_ftc\\_staff\\_comment\\_before\\_ntia\\_in\\_docket\\_no\\_160331306-6306-01.pdf](https://www.ntia.doc.gov/files/ntia/publications/p165403_ftc_staff_comment_before_ntia_in_docket_no_160331306-6306-01.pdf)

# Resources

**FTC Staff Report** - The Internet of Things: Privacy and Security in a Connected World. January 2015

<https://www.ftc.gov/system/files/documents/reports/federal-trade-commission-staff-report-november-2013-workshop-entitled-internet-things-privacy/150127iotrpt.pdf>

**Consumer Privacy Protection Principals - Privacy Principles for Vehicle Technologies and Services November 12, 2014:**

<http://www.autoalliance.org/auto-issues/automotive-privacy/principles>

**Automotive Information Sharing and Analysis Center (Auto-ISAC):**

<http://www.autoalliance.org/auto-issues/cybersecurity>