

## **eCall – Do you have any concerns for your privacy? You shouldn't....**

We are frequently getting contacted by citizens concerned that by having eCall installed in their vehicles, their location will be continuously tracked, their driving habits monitored and their private life infringed.

Confusion should be avoided between the public Pan European 112 eCall that is proposed by the EC -and will be free of charge- and other private road safety systems (possibly resembling eCall) that are, or will be possibly offered under a subscription by private operators in combination with other value added services (e.g. vehicle repair after break-down or insurance).

The public Pan European 112 eCall In-Vehicle System (IVS) remains dormant (that means not connected to the mobile phone networks) until a serious accident happens, therefore no tracking or transmission of data takes place during the normal operation of the system. Only when a serious accident takes place, the information contained in the Minimum Set of Data (MSD)<sup>1</sup> is transmitted to the Public Safety Answering Point (PSAP). The data included in the MSD are those strictly needed by the emergency services to handle the emergency situation, and may include the triggering mode (automatic or manual), the vehicle identification number, vehicle type and propulsion, timestamp, vehicle direction, current and previous positions, and number of passengers. These data are transmitted and stored by the PSAP in compliance with the relevant legislation on personal data & consumer protection. PSAP are used to deal with personal data respecting citizens' privacy in the course of their normal operations in accordance with European and national legislation (e.g., when citizens call to the single European emergency number, 112)<sup>2,3</sup>

While in normal operation the eCall IVS is not registered to any telecommunications network. Registration and voice/data communications take place only in case of an accident. During its normal operation, the IVS may only scan the radio spectrum for available networks, but without communicating with the Mobile Network Operators (MNOs). No intermediate parties (including the MNOs) have access to the MSD that is transmitted from the IVS to the PSAPs.

Therefore, there are absolutely no reasons to be worried about your privacy if public Pan European 112 eCall is installed in your vehicle.

The European Commission has taken all the necessary measures to safeguard privacy of the vehicles' occupants, after consulting with data protection authorities and the European Data Protection Supervisor office. The eCall vehicle type approval regulation is currently under the adoption procedure involving the EC, the Council and the European Parliament. Without prejudice to the final text that will be adopted, this regulation includes the following mandatory measures regarding privacy issues:

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<sup>1</sup> CEN EN 15722 'Road transport and traffic telematics — ESafety — eCall minimum set of data'

<sup>2</sup> Directive 2002/22/EC of the European parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services, OJ L 108, 24.4.2002, p. 51.

<sup>3</sup> Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector, OJ L 201, 31.7.2002, p. 37; Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws, OJ L 364, 9.12.2004, p. 1; Directive 2009/136/EC of the European parliament and of the Council of 25 November 2009 amending Directives 2002/22/EC and 2002/58/EC and Regulation (EC) No 2006/2004, OJ L 337, 18.12.2009, p. 11.

1. Any processing of personal data through the eCall in-vehicle system shall comply with the personal data protection rules provided for in Directives 95/46/EC and 2002/58/EC.
2. Manufacturers shall ensure that the eCall in-vehicle system is not traceable and is not subject to any tracking before the eCall is triggered.
3. In the internal memory of the eCall in-vehicle system, retention of previous locations of the vehicle is permitted, but that data must be continuously removed to ensure that only data strictly necessary to specify the current location and the direction of travel are retained. This data must not be available outside the in-vehicle system to any entities before the eCall is triggered.
4. Privacy enhancing technologies shall be embedded in the in-vehicle eCall system in order to provide eCall users with the appropriate level of privacy protection, as well as the necessary safeguards to prevent surveillance and misuse.
5. The minimum set of data sent by the eCall in-vehicle system shall include only the minimum as referred to in the standard EN 15722:2011 "Intelligent transport systems - eSafety - eCall minimum set of data (MSD)".
6. The personal data included in the eCall in-vehicle system shall not be retained longer than necessary for their transmission to the appropriate PSAP. Data submitted shall only be used for the purpose for which they were submitted. They shall be deleted as soon as they are no longer necessary for the purpose for which they were collected.

Private road safety systems resembling the functionality of the public Pan European 112 eCall are currently available in the market. In the majority of these systems, the vehicle owner has to subscribe, pay and to give a written consent to the private service operators; so the driver might as well agree that his/her location is continuously tracked in order to enable value added services. The driver –for example- may give his/her written consent and allow to be tracked by an insurance company in exchange for reduced insurance fees. The information provided by these systems, which may be more than the MSD, is received by private call operators and stored by private service providers, which shall comply with the relevant personal data and consumer protection legislation. This is a voluntary approach that has to be prior agreed between the private operator and the vehicle owner.

Without prejudice to the final text that will be adopted, the draft eCall vehicle type approval regulation acknowledges the right of the vehicle owner to use a third party service eCall (TPS eCall) providing a similar service, in addition to the public 112-based eCall in-vehicle system, provided that all the following conditions are met:

1. the TPS eCall in-vehicle system shall comply with the standard EN 16102:2011 'Intelligent transport systems – eCall – Operating requirements for third party support';
2. manufacturers shall ensure that there is only one system active at a time and that the 112-based eCall in-vehicle system is triggered automatically in the event that the TPS eCall in-vehicle call system does not function;
3. manufacturers shall include in the owner's manual that the owner may at any time choose to use the 112-based eCall in-vehicle system instead of a TPS in-vehicle system.

The consumer is thus given with the option to choose the free public 112 Pan-European eCall, or at his/her own will engage in a contract with a private third party service provider. In the former case there are absolutely no privacy issues. In the latter case, the vehicle owner will be asked to provide a written consent in case the vehicle location will be continuously tracked in order to enable third party value added services.