



Automotive Ecosystem Data Sharing Principles

Data sharing agreements (written agreements that include sharing information including but not limited to personally identifiable information, nonpublic business information, or any other nonpublic information) between dealers, OEMs, and third parties should follow five principles:

- 1) Data is Shared Pursuant to Written Agreements
- 2) Data is Shared in a Compliant and Secure Manner
- 3) Data is Shared with Clear Accountability and Protection
- 4) Data is Shared in a Transparent Manner
- 5) Work Together on Data Sharing Practices

Data is Shared Pursuant to Written Agreements

- Data should be shared only pursuant to a written agreement that specifically details the nature, use, and protection of the data.
- Any data shared should be clearly described and specified in the agreement.
- Data should only be used for the purposes outlined in the agreement and for no other purpose.
- Data should be shared utilizing currently accepted data sharing protocols (open API or similar technology) that provide control and audit rights to the sharing party.
- The sharing party should have the ability to verify and audit the scope, use, sharing, processing and security of the data shared upon request.

Data is Shared in a Compliant and Secure Manner

- Data should be shared, processed and secured in a manner that complies with the parties' legal obligations.
- Data should be secured in accordance with the generally accepted security frameworks (STAR, ISO, NIST, etc.).

Data is Shared with Clear Accountability and Protection

- The sharing party should not be responsible if the other party misuses or fails to adequately protect the shared data.
- If a party states that only certain third-party vendors can be used, the vendors should be able to safely and securely process information and be committed to providing information via relevant data security protocols.
- Risk allocation (indemnification, limitations of liability, insurance, etc.) and compensation (royalties and licensing) provisions should be equitable, appropriate, and proportionate for all parties.
- There should be a clear point of contact to answer questions and honor consumer data requests.

Data is Shared in a Transparent Manner

- Data should not be shared without written consent from the sharing party that details the specific data shared and the specific purpose for which the data was shared.
- The sharing party should be provided with documentation of all the data shared upon written request.
- Data should only be shared if the parties have the same restrictions and limitations on use.
- Data used to train artificial intelligence models should be protected and used only for the purposes specified in the agreement.
- The sharing party should be provided with a copy of all relevant provisions of the third-party agreements governing shared data.

Work Together on Data Sharing Practices

- The parties should provide a modern, secure, and integrated customer experience through data sharing.
- Ensure regulatory compliance and consumer data protection throughout the automotive ecosystem.
- Provide consumer disclosure, choice, and transparency with respect to automotive data and data sharing.
- Ensure there are sufficient contractual and monitoring provisions as required by law.
- Ensure all relevant stakeholders (sales, marketing, and legal) are involved in writing and implementing agreements.

This document is offered for informational purposes only and is not intended as legal advice. Consult an attorney who is familiar with federal and state law addressing these topics.