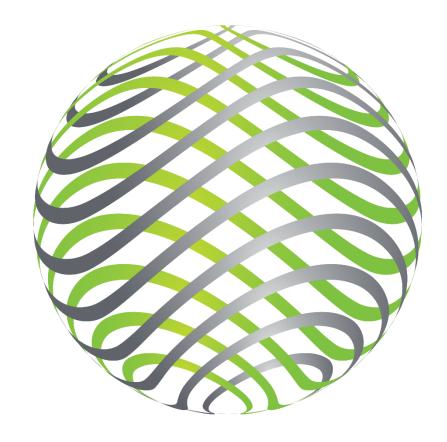
# **Deloitte.** Legal



Open source legal and regulatory framework on in-vehicle data | EU and NL

## A smart searchable legal and regulatory framework



The framework consists of all relevant EU legislation and Dutch legislation, i.e. public laws and regulations (e.g. GDPR), (intellectual) property laws (including trade secret legislation) and contract laws in relation to in-vehicle data



The framework also provides insights in the interests that individual actors or groups of actors may have, such as safety, privacy, security and fair competition in relation to in-vehicle data



The framework is accompanied by a **Thesaurus** that provides insights into the layered structure of all the definitions as used in the framework and how these definitions relate to each other



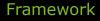
The framework was set up in close collaboration with key stakeholders, such as Automotive Industry branch associations and the Dutch government



The framework is accompanied by **Use Cases** that demonstrate how parties with an interest in in-vehicle data can use the framework to find the answers to several questions with regard to access to and the exchange of in-vehicle data



The framework has been validated by an independent research expert



Actor Profile View

Side by Side Comparison View

Thesaurus



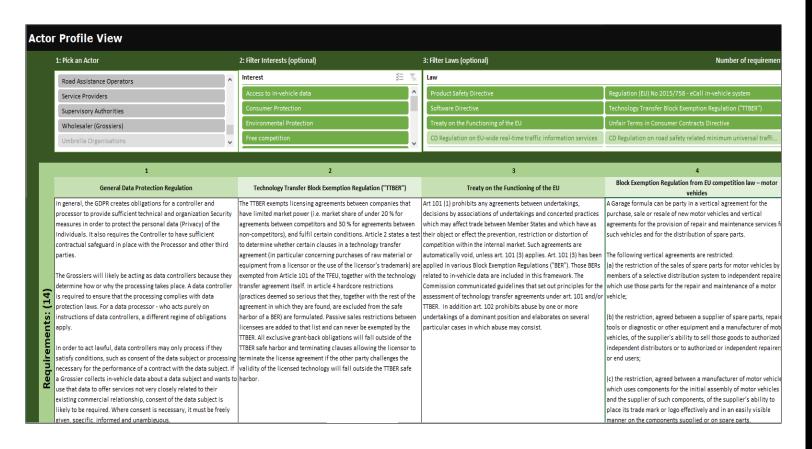
The framework is **built in a smart Excel format** through which parties can navigate to find the specific legislation that is applicable to them and are able to see how this relates to other Automotive Industry actors in the ecosystem, i.e. their rights and obligations



The framework may be obtained via an open source license by all parties with an interest in in-vehicle data

### An overview of applicable legislation for different actors

**The Actor Profile View** allows parties to find out which legislation is applicable to them, in what way this has an impact on their interests and how this relates to other automotive industry actors in the ecosystem



By selecting an actor from a drop-down menu and filtering one or more interests, the smart searchable legal and regulatory framework will provide parties with an overview of all the applicable European and Dutch legislation

Framework

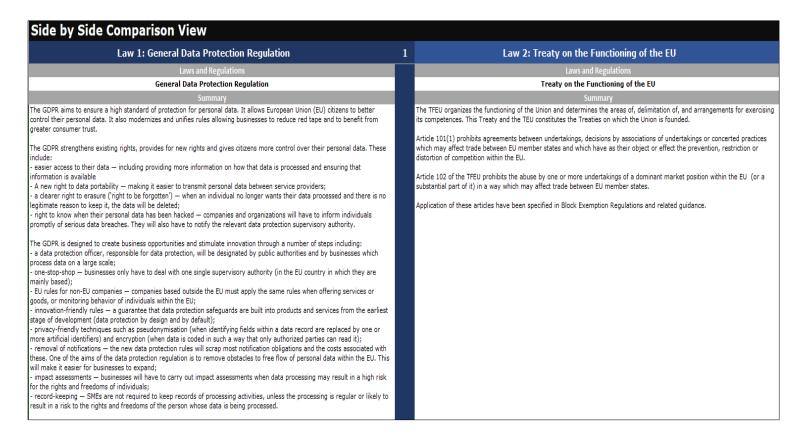
Actor Profile View

Side by Side Comparison View

Thesaurus

### Comparing requirements of laws and regulations

**The Side by Side Comparison View** allows parties to compare a maximum of 4 different laws and regulations in one, single overview



By selecting multiple laws or regulations from the drop-down menu, the smart searchable legal and regulatory framework will provide parties with an overview of the different requirements, rights and obligations they must adhere to and which of their interests are impacted by the selected laws and regulations

Framework

Actor Profile View

Side by Side Comparison View

Thesaurus

#### Explaining the layered structure of the definitions

**The Thesaurus** provides insights into the layered structure of all the definitions as used in the legal and regulatory framework and how the laws and regulations are related to in-vehicle data

#### 3.1 In-vehicle data DF In-vehicle data is all data that is inextricably linked to the Vehicle. SN An inextricable link only exists when the data is generated in the Vehicle by OEM installed, operated, controlled and/or owned equipment. SN Data that is generated outside the Vehicle, or other data that is not generated by OEM installed, operated, controlled and/or owned equipment, is not considered to be inextricably linked to the Vehicle. SN Software (incl. algorithms) in the Vehicle does not fall within the scope of the framework. RT Original Equipment Manufacturer ("OEM") DF is the ultimate responsible manufacturer of the Vehicle RT Vehicle DF a self-propelled motor vehicle intended for use on public roads (e.g. caravan, trailers do not fall in the scope of the framework, Motorcycles and guads do.) RT Personal data DF Personal data is any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person. SN in context of the GDPR and Directive 2002/58/EC. DF all other data that is not personal data, (Anonymous data?) SN in relation to in-vehicle data Access to in-vehicle data RT OBD access DF Access via the OBD portal in the vehicle, limited amount of data, meant for maintenance purposes but also used as an entrance to the CANbus data by third party devices RT Wireless access DF Access via the OEM installed simchips or via aftermarket devices processing in-vehicle data

DF Tap from the vehicle CANbus with an electromagnetic clamp which makes it possible to obtain

DF Tap by physical invading the vehicle CANbus for instance by physical connection with CANbus

DF Access to in-vehicle data upon generating as a basis for (near) real time in-car services.

Access to stored in-vehicle data

DF Access to stored in-vehicle data (within and outside of the vehicle) e.g. for maintenance or

CANbus data without violating the physical integrity of the vehicle.

Short Title	Directly or indirectly related to in-vehicle data	Full title
Data Protection Law I: General Data Protection Regulation	Directly related	Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (Text with EEA relevance)
Technology Transfer Block Exemption Regulation	Indirectly related	Commission Regulation (EU) No 316/2014 of 21 March 2014 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of technology transfer agreements
Common Principles for state aid	Indirectly related	Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty
Transport and Mobility Law II: Commission Delegated Regulation on Road safety related minimum universal traffic information	Directly related	Commission Delegated Regulation (EU) No 886/2013 of 15 May 2013 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to data and procedures for the provision, where possible, of road safety-related minimum universal traffic information free of charge to users
Treaty on the Functioning of the European Union	Indirectly Related	Treaty on the Functioning of the European Union (consolidated version) (2012)
Competition Law II: Block Exemption Regulation from EU competition law - motor vehicles	Indirectly Related	Commission Regulation (EU) No 461/2010 of 27 May 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices in the motor vehicle sector
Transport and Mobility Law I: Intelligent Transport Systems Directive	Directly related	Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (Text with EEA relevance)
Competition Law I: General Block Exemption Regulation (GBER)	Directly related	Commission Regulation (EU) No 330/2010 of 20 April 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices (Text with EEA relevance)

Framework

Actor Profile View

Side by Side Comparison View

Thesaurus

RT Real-time access to in-vehicle data

other services (insurance monitoring).

### Significance for all parties with an interest in in-vehicle data

# The legal and regulatory framework and thesaurus can be used to:



Navigate the EU and NL legal landscape with relevant laws and regulations in relation to in-vehicle data



Refer to as a "central point of truth"



Determine one's strategic (legal) position



Stimulate collaborations



Engage in IoT projects



Set up new ecosystems



Facilitate qualitative discussions with regard to access to and the exchange of in-vehicle data



Learn more about the smart searchable legal and regulatory framework on invehicle data by visiting our website.

Please fill in the <u>contact form</u> to receive updates on the availability of the framework and pre-register to obtain the framework.

#### Or reach out to:



Peter Kits | Partner pkits@deloitte.nl + 31 88 288 7370



Myrthe van Dam | Manager myvandam@deloitte.nl +31 88 288 0778



Nathalie Niessen | Consultant nniessen@deloitte.nl +31 88 288 0817



Deloitte refers to one or more of Deloitte Touche Tohmatsu Limited ("DTTL"), its global network of member firms and their related entities. DTTL (also referred to as "Deloitte Global") and each of its member firms are legally separate and independent entities. DTTL does not provide services to clients. Please see www.deloitte.nl/about to learn more.

Deloitte is a leading global provider of audit and assurance, consulting, financial advisory, risk advisory, tax and related services. Our network of member firms in more than 150 countries and territories serves four out of five Fortune Global 500® companies. Learn how Deloitte's approximately 286,000 people make an impact that matters at www.deloitte.nl.

This communication contains general information only, and none of Deloitte Touche Tohmatsu Limited, its member firms or their related entities (collectively, the "Deloitte network") is, by means of this communication, rendering professional advice or services. Before making any decision or taking any action that may affect your finances or your business, you should consult a qualified professional adviser. No entity in the Deloitte network shall be responsible for any loss whatsoever sustained by any person who relies on this communication.

© 2020 Deloitte The Netherlands