

INTRODUCTION

Data generated by vehicles in-service is now readily transmitted elsewhere and made available for analysis. CRM, DMS, and OEM systems are adding new data. New auto business opportunities are being developed and are appearing in new features which enhance vehicle connectivity, the driving experience and road safety.

Customer experiences, communications and delivery of personalised services can be enhanced by data sharing.

AADA is concerned that the growth of data developments could leave Dealers and customers separated from essential data.

Therefore, we propose that OEMs and Dealers agree on data sharing for mutual benefit.

A set of data sharing principles is recommended.

The AADA objective is to assist Dealers, Dealer Councils, and OEMs ensure legal and regulatory compliance, protect customers, and promote trust in the automotive ecosystem.

We aim to facilitate data sharing via agreed, known and transparent arrangements which are applied equitably.

DATA SHARING PRINCIPLES

1. Dealers and OEMs agree to establish structure to continue working together.

- a. Providing a modern, secure, and integrated customer experience through automotive ecosystem data sharing.
- b. Ensuring regulatory compliance and customer data protection throughout the automotive ecosystem.
- c. Providing customer disclosures, choice, and transparency with respect to automotive data and data sharing and meeting the requirements of Australian Privacy Laws and Australian Privacy Principles.
- d. Promoting efficiency, security, and transparency in data sharing in the automotive ecosystem by leveraging technology; and
- e. Ensuring that any third party accessing any data shared between Dealers and OEMs ('Shared Data') does so in a compliant and transparent fashion while protecting customer privacy.

2. Data is only shared pursuant to clear, compliant, written data agreements.

- a. Shared Data shall be shared only pursuant to a written agreement that specifically details the nature, use, protection, and sharing of the Shared Data.
- b. Shared Data shall be used only for the purposes outlined in the Data Sharing Agreements.
- c. The sharing party shall be provided with documentation of all Shared Data uses upon written request to the other party.
- d. The sharing party shall have the ability to verify and audit the scope, use, sharing, processing, and security of the Shared Data, including any third-party use.

3. Data is shared securely.

- a. Shared Data shall be secured in transit and at rest by implementing appropriate security measures based on generally accepted security frameworks.
- b. Shared Data shall only be shared and processed in a manner that complies with all applicable laws and regulations.

4. Data is only shared with clear accountability and protection.

- a. The sharing party shall not be responsible if the other party (or its chosen third-party vendors) misuses or fails to adequately protect the Shared Data.
- b. Risk allocation provisions (indemnification, limitations of liability, insurance, etc.) in data sharing agreements shall be equitable, appropriate, and proportionate to the levels of risk of the contracting parties (Dealers, OEMs, Third-party vendors, etc.).
- c. Dealers and OEMs shall provide a clear, available method of contact to answer questions from the sharing party and customer data requests.

5. Data is shared with third parties in a transparent and compliant manner.

- a. Any Shared Data shall not be shared with any third party (including any other Dealer) without written authorisation from the sharing party that details the specific data shared and the purpose for which the data was shared.
- b. Any Shared Data shall only be shared with a third party pursuant to an agreement that contains at least the same restrictions and limitations on use as the Data Sharing Agreement.
- c. The sharing party shall be provided with a copy of all relevant provisions of the third-party agreements governing Shared Data.

Acknowledgements, Notes, and Definitions

The AADA acknowledges the assistance of the National Automobile Dealers Association (NADA) USA in the preparation of these principles which are based on the NADA Automotive Ecosystem Data Sharing Principles published in 2022.

1. **"Data"** includes information of whatever nature, and in whatever format, system, or process, including but not limited to personally identifiable information, non-public business information, telematics data, trade secret or business sensitive data, or any other non-public information shared between and among Dealers, OEMs, and authorized third parties.
2. **"Data Sharing Agreements"** include all written agreements of whatever kind, including, but not limited to agreement to share information to or from Dealer systems (DMS, CRM, websites, etc.), the vehicle (telematics, etc.), or OEM (or OEM-designated third party) systems.
3. **"Use"** includes any use of the Shared Data, including research, Dealer or OEM evaluation, data enrichment or enhancement, any use of the Shared Data in another product or service, or similar use.