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# **La conformité Data et les Véhicules Connectés en Europe et en Chine**

**Data compliance and Connected Vehicles in Europe and China**

Dr. Stefan Peintinger, LL.M. (Georgetown)

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Partner

Dr. Stefan Peintinger advises German and international clients in the areas of IT law, data protection law and intellectual property law (IP). He is a member of our IT & Digital Business department and of our IP department.

Stefan's focus is TECH Law. This includes, i.e., data protection law, the new EU Data Act, the upcoming EU AI Act, trademark law, copyright law and competition law.

Dr. Stefan Peintinger advises clients in particular on the ongoing compliance with national and international data protection law requirements in various jurisdictions, as well as on the development of new digital business models. He also assists clients in protecting, licensing and enforcing their intellectual property rights, as well as regarding transactions.

New technologies and digital business models are among his main areas of interest and practice. His practice includes non-contentious legal work as well as litigation and representation vis-à-vis authorities. As part of his advisory work, Dr. Stefan Peintinger is regularly involved in the development, design and market launch of new B2C and B2B offerings.

Stefan was a legal clerk at a German state data protection authority for the non-public sector and studied at the Katholieke Universiteit Leuven (Belgium) and Georgetown Law School (Washington, D.C., USA).



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**01**

# **Data compliance and Connected Vehicles in Europe and China – European Point of View**



# What is Data Compliance?

- Data compliance, from a legal perspective, involves adhering to relevant laws and regulations concerning the collection, storage, processing, and sharing of data.
- This compliance is crucial for organizations that handle personal data, sensitive information, or any data that could impact individual rights and privacy.
- The goal is to ensure that data is managed in a way that **respects privacy rights, secures data against breaches, and follows the specific legal frameworks applicable to the organization's operations.** These frameworks can vary significantly across different jurisdictions and sectors, imposing a range of obligations on businesses, such as:

# What is Data Compliance?

These frameworks can vary significantly across different jurisdictions and sectors, imposing a range of obligations on businesses, such as:

## 1. Data Protection and Privacy Laws

Regulations like the General Data Protection Regulation (GDPR) in the European Union, the California Consumer Privacy Act (CCPA) in the United States, and others globally require organizations to protect personal data and respect individuals' rights to their information. Compliance involves obtaining consent for data collection, ensuring data is used for specified, explicit purposes, and giving individuals the right to access, correct, and delete their data.

## 2. Industry-Specific Regulations:

Certain sectors, like healthcare and finance, have additional regulations. There are vehicle specific regulations (e.g., EU E-Call).

# What is Data Compliance?

## 3. Cross-Border Data Transfer Regulations

Laws that regulate the transfer of data across borders, such as the GDPR's requirements for transferring personal data outside the EU, demand compliance to ensure international data flows meet strict privacy standards.

## 4. Data Retention Policies

Legal requirements often specify how long certain types of data must be kept and the conditions under which they should be securely deleted.

## 5. Reporting and Notification of Data Breaches

Many regulations require organizations to report data breaches to relevant authorities and, in some cases, to the affected individuals within a specified timeframe.



# What is Data Compliance?

## 6. Data Security Measures

Legal frameworks typically mandate organizations to implement adequate security measures to protect data from unauthorized access, disclosure, alteration, and destruction. These measures can include encryption, access controls, and regular security assessments.






- Compliance is not only a legal requirement but also a critical component of an organization's reputation and trustworthiness.
- Non-compliance can result in significant fines, legal penalties, and damage to an organization's reputation.
- Therefore, understanding and implementing a comprehensive data compliance strategy is essential for any organization that deals with data, especially in a global context where multiple legal frameworks may apply.



**02**

## **GDPR principles relevant for Connected Vehicles**

# GDPR principles relevant for Connected Vehicles

|  |   |  |   |  |  |
|--|---|--|---|--|--|
|  | <p><b><u>Legal Basis:</u></b></p> <ul style="list-style-type: none"><li>→ <b>Consent</b><br/>Art. 6 (1) (a) GDPR;<br/>ePrivacy Regulation</li><li>→ <b>Contract</b><br/>Art. 6 (1) (b) GDPR</li><li>→ <b>Compliance with a legal obligation</b><br/>Art. 6 (1) (c) GDPR</li><li>→ <b>Legitimate Interests</b><br/>Art. 6 (1) (f) GDPR</li></ul> |   | <p>Data Controller,<br/>Processor and Joint<br/>Controllers,<br/>Art. 4 No. 7, No. 8, 26,<br/>28 GDPR</p> |   | <p>Transparency,<br/>Art. 5 (1), 12 et seq. GDPR</p>                   |
|  |   |  | <p>Documentation,<br/>Art. 5 (2) GDPR</p>   |  | <p>Technical and<br/>Organizational Measures,<br/>Art. 25, 32 GDPR</p> |

# GDPR principles relevant for Connected Vehicles



## International Data Transfers

1. Step: Is the data processing activity GDPR-compliant in Germany?

2. Step: Can a Controller / Processor transfer such data to a third country in line with Art. 44 et seq. GDPR, e.g. China?

→ *EU Standard Contractual Clauses?*

→ *Consent?*

→ *Contract Fulfilment?*

→ *Binding Corporate Rules?*

→ *Adequacy Decision?*



**03**

## **Practical Examples**



# Practical Examples (1/2)

## Remote Services

- Contract
- Legitimate Interests

## Location Services

- Consent (Data Protection Authorities)
- Contract

## Multimedia Services by Third Parties (e.g. Netflix)

- Contract

# Practical Examples (2/2)

## Navigation Services

- Consent
- Contract
- Legitimate Interests

## Charging Services

- Consent
- Contract
- Legitimate Interests

## Emergency Services

- Compliance with a legal obligation
- Legitimate Interests

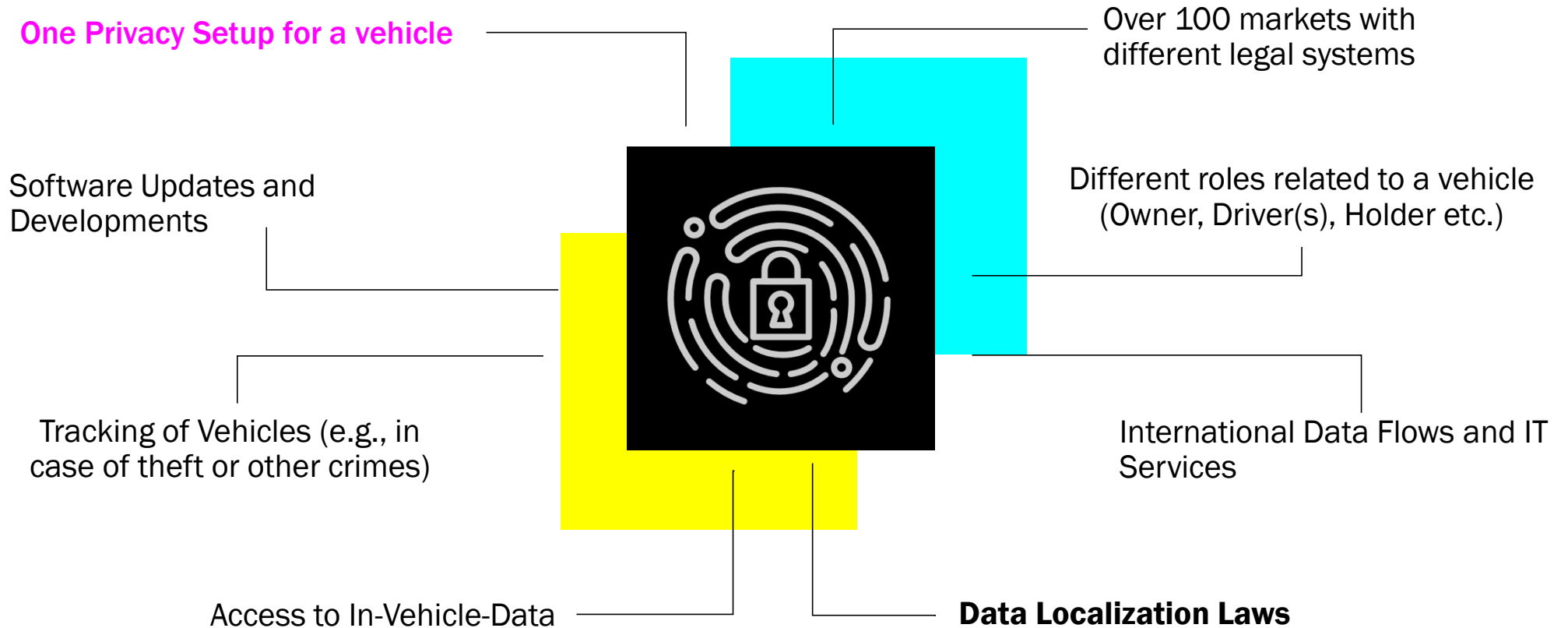




**04**

## **European Considerations**

# Considerations





**05**

## **Closing Remarks**

# Closing Remarks



## Data Compliance and Level Playing Field

European vehicle manufacturers must comply with many strict rules. Other manufacturers have a different approach.



## Market Realities

China is the most important foreign market for most German vehicle manufacturers.



## Processing Capabilities


Modern vehicles need access to strong cellular networks (e.g. 5G).

***Thank you for your attention!***

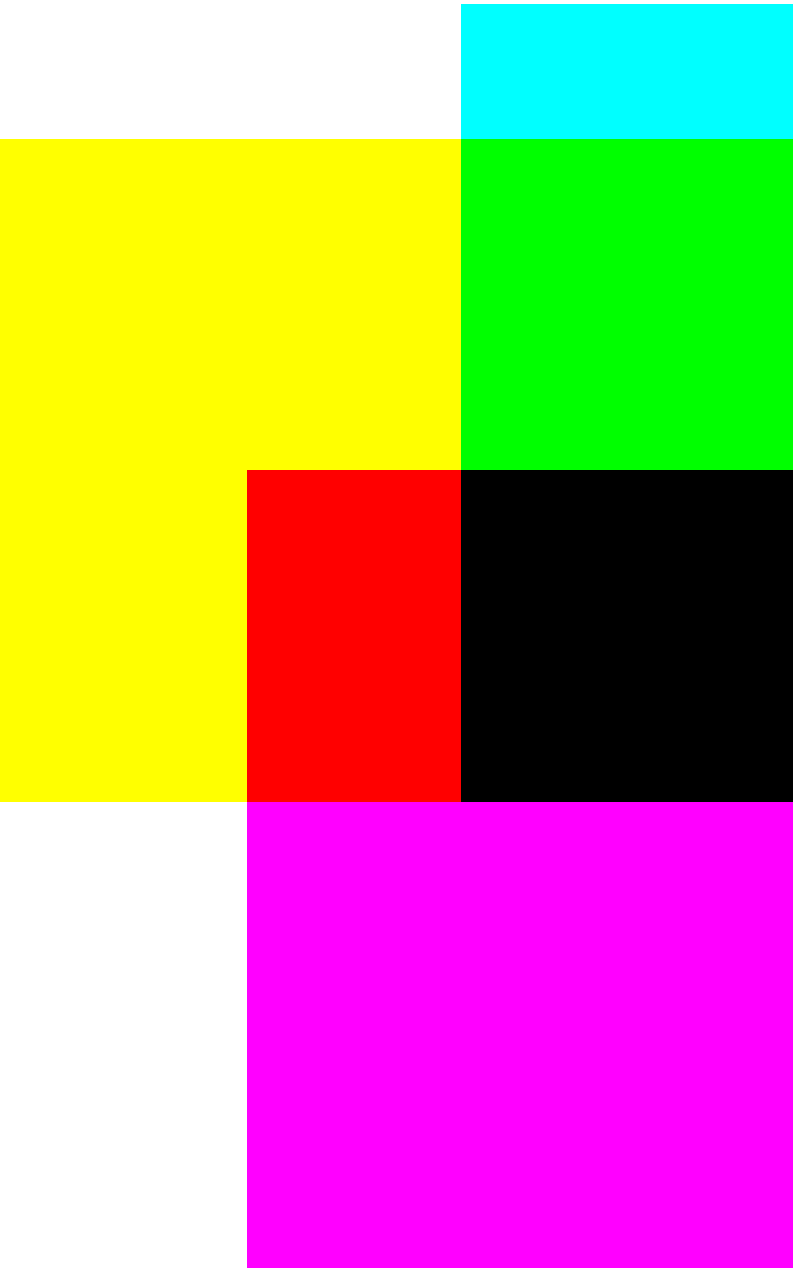


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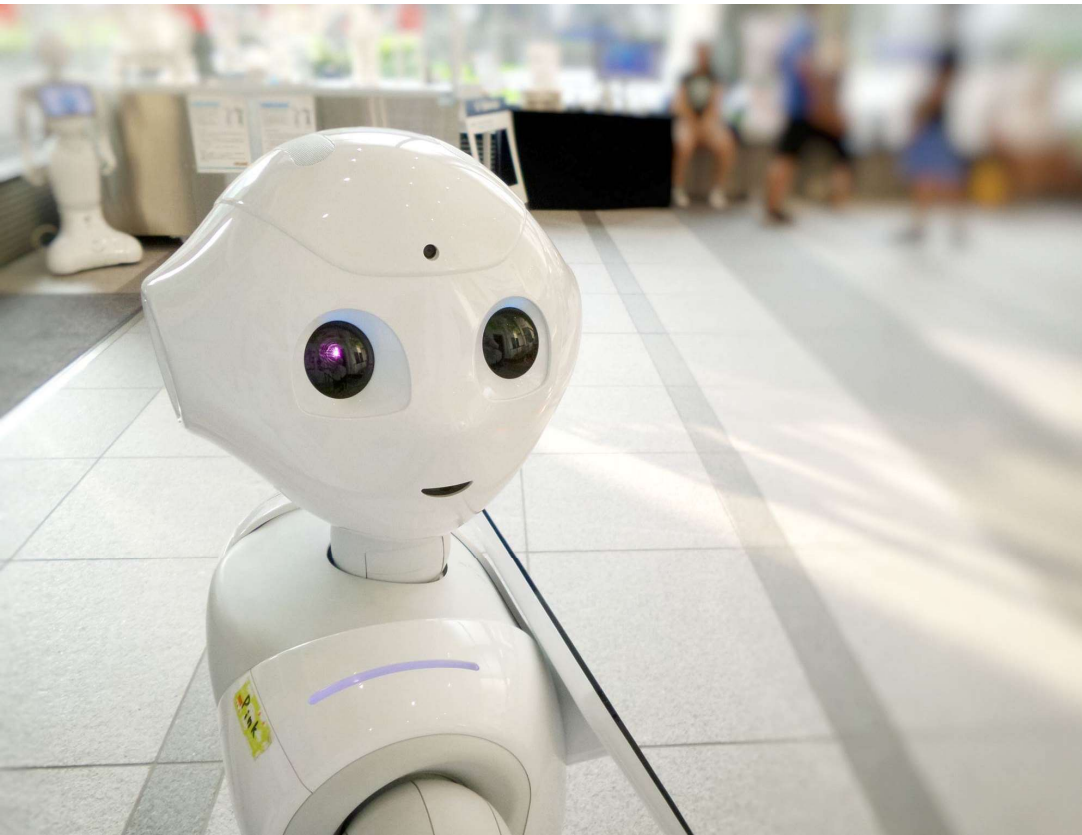
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**17**

legal areas

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**1**

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**lawyers**

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**countries**

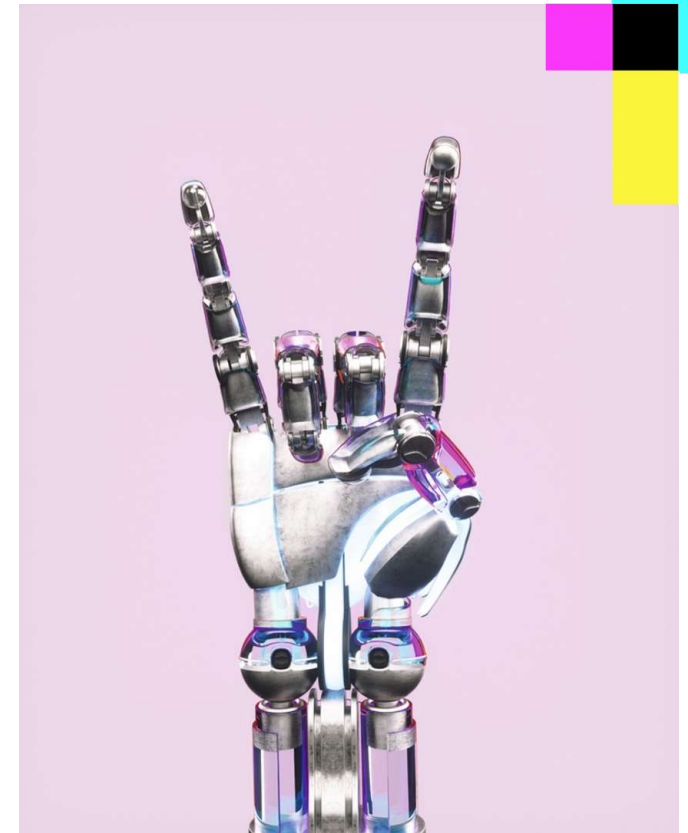
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# We make complex things simple

## Legal Tech: Digitalisation of legal services

- SKW Schwarz is one of the pioneers in the field of legal tech: Foundation of [SKW @Tech GmbH](#) in 2018
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- Ongoing development of more than [10 tools per year](#) for internal and external use
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- Close cooperation with legal tech companies such as Bryter, Smashdocs, etc.
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WTR 1000
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# References



