

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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November 6, 2015

Ms. Maneesha Mithal
Associate Director, Privacy and Identity Protection
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, DC 20580

Dear Ms. Mithal,

Thank you for appearing before the Subcommittee on Commerce, Manufacturing, and Trade on Wednesday, October 21, 2015, to testify at the hearing entitled "Examining Ways to Improve Vehicle and Roadway Safety."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions by the close of business on Friday, November 20, 2015. Your responses should be e-mailed to the Legislative Clerk in Word format at Dylan.Vorbach@mail.house.gov and mailed to Dylan Vorbach, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Michael C. Burgess, M.D.
Chairman
Subcommittee on Commerce,
Manufacturing, and Trade

cc: Jan Schakowsky, Ranking Member, Subcommittee on Commerce, Manufacturing, and Trade

Attachment

Additional Questions for the Record

The Honorable Michael Burgess, M.D.

1. You testified that the FTC has had several meetings with NHTSA staff related to data privacy and security issues. Please provide the names and titles of the individuals at NHTSA that the FTC has met with on data privacy and security issues.
2. You testified that the FTC uses Section 5 of the FTC Act to determine whether an auto manufacturer has tested the security of a car appropriately before putting it on the market for public consumption. What constitutes an unfair security practice that could cause or likely cause substantial consumer injury in the automotive sector?
3. How does the FTC define reasonable data privacy and security practices with respect to motor vehicles?
4. In title three, Section 301, the staff discussion draft proposes that an auto manufacturer will be liable to a civil penalty of up to \$5,000 per day with a maximum penalty of \$1 million if it does not identify that it will meet all seven of the requirements in its privacy policy or is found to have violated any of the terms of its privacy policy. How does the FTC currently enforce reasonable data privacy practices among auto manufacturers? What is the process the FTC must undertake to impose a civil penalty against an auto manufacturer that does not maintain reasonable data privacy practices? What is the maximum penalty the FTC can impose against an auto manufacturer found to have unreasonable data privacy practices?
5. In the FTC's view, how should Congress penalize malicious hackers from exploiting cybersecurity vulnerabilities in vehicles without impeding the work of "white hat hackers" and good actors within the security research community who make responsible disclosures and help to improve vehicle security?
 - A. How should white hat hackers and good actors within the security research community disclose cyber security vulnerabilities "responsibly"?
6. You testified that the FTC has focused on process with respect to maintaining cyber security across all industries and sectors. Should those processes be any different to secure critical safety systems in vehicles compared to other critical infrastructure? If yes, how so? If not, why not?
7. Connected cars are a part of a larger Internet of Things ecosystem. Should the governance of connected cars be any different from other connected things?
8. Does the FTC believe that the privacy principles developed by the Alliance of Automobile Manufacturers and the Association of Global Automakers adequately protect customers' data privacy?