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The Big Privacy Takeaway From Tesla vs. The New York Times



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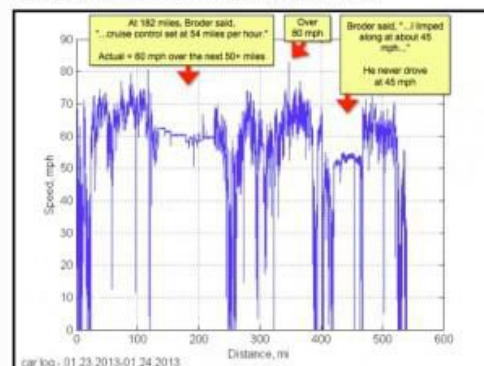
Tech

Welcome to The Not-So Private Parts where technology & privacy collide

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The epic showdown between electric car maker Tesla and the New York Times last week about the accuracy of a very negative review of the Model S in the paper of record didn't necessarily lead to an answer [as to who was right and wrong](#). Tesla had [extensive data collection on its side](#) while the New York Times had [a contextual narrative on its side](#). What we can take away from their battle is this:

Vehicle Logs for Media Drive by John Broder on January 23 and 24



Tesla's data from a ride in one of their cars was startling

1. Wow. Our cars can know a lot about us. The data recorders in the Model S knew the temperature settings in the car, the battery level throughout the trip, the car's speed from minute to minute, and the exact route taken -- down to the fact that the car reviewer drove circles in a parking lot when the car's battery was almost dead. Tesla claimed NYT reviewer John Broder was trying to kill the car, while Broder said he was driving in circles to locate a hard-to-find charger in the dark.

2. Even with all that data, what actually happened is still unclear. As security expert Bruce Schneier [put it](#), "even intense electronic surveillance of the actions of a person in an enclosed space did not succeed in providing an

unambiguous record of what happened." (Not just intense but secret: Other journalists who have driven Tesla cars [were shocked](#) to find out they had been monitored without disclosures from the company.)

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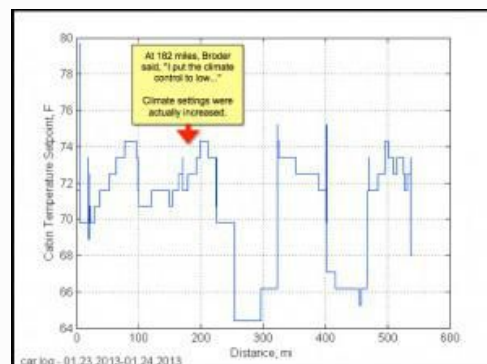
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Tesla is at a critical business moment; it has to convince the general public that electric cars are a feasible and desirable means of transportation. Given that, it's understandable that the company would battle a prominent negative review this fiercely, but there are some downsides to the digital mud they threw at the Times. One of the biggest: Tesla just put privacy concerns around their cars at the fore. [Says](#) Forbes contributor David Vinjamuri, who specializes in PR:

Musk's blog post extensively quotes data from the electronic logs of the Tesla Model S which showed behavior seemingly at odds with the review Broder posted. Reading the blog post, my biggest takeaway was "***the frickin' car company knows when I'm running the heater?***" That's a bigger story than the bad review and Tesla is now stuck with it. They can protest all that they want that they'll never actually use that data or even look at it. Then they can sit in detention with Facebook and Google.

Tesla says it only secretly monitors journalists (because it distrusts them) and that its normal customers are informed and give consent to having their data monitored. A spokesman [told me last year](#) that Tesla cars' "wireless communication system allows the vehicle to send



information to Tesla Service using cell phone signals. For the owner's privacy,

Tesla's annotated data on when Broder was running the heater

Tesla offers the ability to disable and enable this feature via the touch screen located in the center console of the vehicle. When an owner takes delivery of their vehicle they are offered a consent form. Only if they sign it is Tesla able to remotely access data."

The Tesla [owner's manual](#) helpfully explains that the data would only be shared with a third party in certain situations, such as a request from the police, as needed by Tesla to defend itself in a lawsuit, or for research purposes.

Tesla customers aren't going to be the only ones who have to think about this kind of driving data collection. "Black boxes" [are in 85% of new cars](#) each year to capture information about the few seconds before and after a crash. But why not have them collect more information? Data is useful after all. The Department of Transportation [wants cars to go wireless](#) so they'll be able to "talk" to each other to prevent crashes. Drivers might like to have it to find out how to maximize gas efficiency or to improve their driving. And it will of course be inevitable when cars are driven by computers, something Google and others are quickly making a reality with the [development of the driverless car](#). Says [Bruce Schneier](#):

[The Tesla controversy] gives you an idea of the sort of things that will be collected once automobile black boxes become the norm. We're used to airplane black boxes, which only collected a small amount of data from the minutes just before an incident. But that was back when data was expensive. Now that it's cheap, expect black boxes to collect everything all the time. And once it's collected, it'll be used. By auto manufacturers, by insurance companies, by car rental companies, by marketers. The list will be long.

Will data be used against you to void your warranty, rate your driving, by your divorcing spouse, [in a criminal case](#)? The Notorious B.I.G. might sum this up with, "Mo' data, mo' problems."

We should think now about who gets access to that data and how they do so, because one day soon, your car is going to be as much of a privacy concern as your smartphone.

**Kashmir Hill**[Follow](#)

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