

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Supporting Survivors of Domestic and Sexual) WC Docket No. 22-238
Violence)

COMMENTS OF FREE PRESS

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TABLE OF CONTENTS

Executive Summary 1

I. Introduction 2

II. Connected Vehicles Pose an Invasive Threat to Domestic Violence Survivors 3

III. Expanding the Safe Connections Act to Connected Vehicles Will Especially Benefit Vulnerable Communities, if the Commission Considers Their Needs 6

 A. By Assisting Survivors of Domestic Abuse, the Commission Will Also Help Marginalized Groups 7

 B. The Commission Must Adopt Measures that Address the Specific Obstacles Associated with the Intersectionality of Being a Survivor of Domestic Abuse and Having Other Underrepresented Status 8

IV. The Text of the Safe Connections Act Can Accommodate the Relationships Among Manufacturers, Service Providers, and Domestic Violence Survivors 10

V. Conclusion 13

EXECUTIVE SUMMARY

Free Press strongly supports the Federal Communications Commission's efforts to extend the applicability of the Safe Connections Act of 2022 to connected cars. The move will empower and protect survivors of domestic abuse. Survivors will be able to use their cars to gain economic independence and other support, without fear of being tracked by their abusers or their car being otherwise manipulated by an abuser with remote access.

To fully realize the potential of this agency action, the Commission must understand the myriad ways connected car technology can be used against domestic abuse survivors and the specific challenges that certain groups of domestic abuse survivors face. As the Commission has already recognized, the effects of domestic violence disproportionately impact individuals from historically marginalized groups. Recognizing the intersectional needs of those survivors will help ensure that the Commission's work is effective.

The Commission should recognize when and how connected cars already fit in the terminology of the Safe Connections Act of 2022 and its implementing rules. It also should modify and expand those implementing rules where they do not already account for tracking and data collection by connected cars.

I. Introduction

In its Further Notice of Proposed Rulemaking, the Federal Communications Commission (“FCC” or “Commission”) continues its ongoing efforts to empower and protect survivors of domestic violence.¹ Free Press strongly supports the Commission’s work to ensure domestic violence survivors’ safe use of their mobile service plans—and now, their safe use of cars with connectivity tools. The Commission’s implementation of the Safe Connections Act of 2022 (“SCA”) was a crucial step towards helping domestic violence survivors safely access support and leave abusive relationships, by allowing them to separate their mobile phone lines from abusers and ensuring privacy safeguards for those seeking protection under the law.² In that earlier round of this proceeding, the record reflected the unique challenges that domestic violence survivors face from their abusers’ ability to control and monitor their communications and location,³ and the

¹ *Supporting Survivors of Domestic and Sexual Violence*, Further Notice of Proposed Rulemaking, WC Docket No. 22-238, FCC No. 24-38 (rel. Apr. 8, 2024) (“*FNPRM*”).

² *Supporting Survivors of Domestic and Sexual Violence; Lifeline and Link Up Reform Modernization; Affordable Connectivity Program*, Report and Order, WC Docket Nos. 22-238, 11-42, and 21-450, FCC 23-96 (rel. Nov. 16, 2023) (“*SCA Report and Order*”); Safe Connections Act, 47 U.S.C. § 345 (2022).

³ *See, e.g.*, Testimony of Toshira Monroe, Deputy Director, My Sister’s Place, WC 22-238, at 1 (Feb. 16, 2023) (“The technology created to keep families safer, like family tracking apps, find my phone app[s], and others, can be used by an abuser to stalk or track a victim and catch them in vulnerable places. . . . The control of the phone limits what a survivor can do to seek out help as the abuser has access to their call history, text messages and data.”).

benefits to survivors’ physical safety and economic security derived from access to communications free from such interference.⁴

The use of cars with connectivity features implicates the same challenges and concerns. Extending the applicability of the Commission’s rules implementing the SCA to connected cars will further the protection and empowerment of domestic violence survivors, both while they are in abusive relationships and after them. For these reasons, Free Press urges the Commission to place connected cars in the ambit of its rules. Further, any rules applying to connected cars should consider the fact that domestic violence survivors are disproportionately from communities that are already vulnerable in other respects—and the procedures for cutting off an abuser’s access to a connected car must factor in those vulnerabilities.

II. Connected Vehicles Pose an Invasive Threat to Domestic Violence Survivors.

Cars can provide economic and physical liberation for domestic abuse survivors; they allow survivors to travel for legal, medical, and educational support, to see family and friends, to

⁴ See, e.g., Comments of Network of Victims Recovery of DC, WC 22-238, at 2 (filed Aug. 18, 2022) (“Such lifelines [of communication] cut down on the amount of travel and time to get legal assistance and schedule medical appointments, fortify one’s resolve not to return to the abusive situation, and . . . assist with find[ing] safe-shelters, job hunting, or other logistical steps.”); Comments of CTIA, WC 22-238, at 3 (filed Apr. 12, 2023) (“Wireless services and devices are essential tools for survivors escaping domestic violence, sexual violence, dating violence, intimate partner violence, human trafficking, or stalking to access emergency services and helplines and gain the financial independence to protect themselves from their abusers. With the wide availability of wireless services and devices, survivors can call or text 9-1-1, seek mental health support by calling or texting 9-8-8, and utilize increasingly affordable service plans to access educational, health, and occupational services.”).

hold jobs and gain financial independence, and to extricate themselves from their abusers.⁵ Yet connective car technology created to make lives easier—with tools such as location-tracking to remember where one parked in a large lot, or remote access to start a car’s heating system from the comfort of home on a winter’s day—can be wielded by abusive partners to perpetuate their control. The same location-tracking technology can be used by abusers to stalk their partners, or find them if they are hiding.⁶ Remote control through a smartphone app to start and stop a car can sabotage a survivor’s use of the vehicle. And, where leaving an abuser can lead to violence,⁷ a locked car door may be a critical barrier between survivors and abusers, rendered useless if an abuser could simply unlock a car with remote control.

Consumers might be more aware of how mobile devices collect their data, but cars also can—and do—collect categories of data far beyond what consumers have any reason to expect.

⁵ See Allianz & Univ. N.S.W., *Understanding Family Violence and the Role of the Car and Insurance* 3 (2023), https://www.allianz.com.au/content/dam/onemarketing/aal/au_site/documents/about-us/understanding-family-violence-and-the-role-of-the-car-and-insurance.pdf (“All respondents had encountered victim-survivors who had used their vehicle to escape from a violent relationship, attend work or education, access support services or stay in contact with family and friends. Perpetrators often used tactics to exert control over the victim-survivor to prevent them from leaving the relationship, limit their independence and ability to access the necessary services and support.”); Courtney Friedman, *Transportation for abuse survivors poses huge barrier, so Uber is stepping up to help*, KSAT (May 10, 2021), <https://www.ksat.com/news/local/2021/05/11/transportation-for-abuse-survivors-poses-huge-barrier-so-uber-is-stepping-up-to-help> (“Transportation can be a huge barrier for domestic violence survivors when they’re leaving their abusers, but also when they’re at shelters trying to move forward with their lives.”).

⁶ See Kashmir Hill, *Your Car is Tracking You. Abusive Partners May Be, Too*, N.Y. Times (Dec. 31, 2023), <https://www.nytimes.com/2023/12/31/technology/car-trackers-gps-abuse.html> (recounting a woman’s abusive husband tracking her location using Mercedes-Benz’s connected services that are accessible by smartphone app).

⁷ See Patricia Tjaden & Nancy Thoennes, Nat’l Inst. of Just., *Extent, Nature, and Consequences of Intimate Partner Violence: Findings From the National Violence Against Women Survey* 37 (2000), <https://www.ojp.gov/pdffiles1/nij/181867.pdf> (finding that threats of separation by a partner or actual separation are “most often the precipitating events that lead to murder”).

In addition to location data, cars can collect and deliver to an abuser’s device the contents of messages and other communications data.⁸ Some cars can even collect biometric data.⁹ And car manufacturers can also gather additional data about drivers from third-party data brokers.¹⁰ These data can reveal sensitive information not only directly (e.g., an individual’s precise location), but also indirectly. For example, a pattern of locations visited and the timing for those visits, even if not real-time geolocation data, could allow abusers to infer information about individuals’ social networks and support systems, their medical conditions, and the types of social services survivors might seek—including where and when they obtain them.¹¹ Data collected through a vehicle can also be combined with the data collected by third-party data brokers to make similar inferences.

These data collection practices extend far beyond what is necessary for car companies to provide consumers with direct services. Companies including but not limited to auto manufacturers themselves are also sharing these data for reasons unrelated to the services they

⁸ Jen Caltride, Mish Rykov & Zoë MacDonald, *What Data Does My Car Collect About Me and Where Does It Go?*, *Privacy Not Included* (Sept. 6, 2023), <https://foundation.mozilla.org/en/privacynotincluded/articles/what-data-does-my-car-collect-about-me-and-where-does-it-go>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ The weaponization of individuals’ location history, as described in other contexts, could easily extend to car location data. *See, e.g.,* Jennifer Korn & Clare Duffy, *Search histories, location data, text messages: How personal data could be used to enforce anti-abortion laws*, CNN Bus. (June 24, 2022), <https://www.cnn.com/2022/06/24/tech/abortion-laws-data-privacy/index.html>; *cf.* Caroline Kitchener, *Texas man files legal action to probe ex-partner’s out-of-state abortion*, Wash. Post (May 3, 2024), <https://www.washingtonpost.com/investigations/2024/05/03/texas-abortion-investigations> (describing the actions of a Texas man, who upon learning that a woman he had dated intended to get an abortion in Colorado, filed a legal petition against her to pursue a wrongful death claim).

provide to car owners, with profoundly limited transparency or accountability.¹² According to recent research by the Mozilla Foundation, a significant majority of car companies both share *and* sell consumer data.¹³ Meanwhile, only a small minority of those companies empower consumers to demand the deletion of their personal data. Perhaps most concerning is the fact that consumers have few genuinely privacy-protective options when looking to purchase or lease a car with connectivity features.¹⁴

III. Expanding the Safe Connections Act to Connected Vehicles Will Especially Benefit Vulnerable Communities, if the Commission Considers Their Needs.

The *FNPRM* also seeks comment on any equity-related considerations and benefits associated with extending the SCA’s reach to connected vehicles.¹⁵ With the effects of domestic violence disproportionately impacting individuals from marginalized backgrounds, the Commission has an opportunity to make advancements in diversity, equity, inclusion, and accessibility. But to do so, the Commission will have to carefully consider the needs of those communities.

¹² Jon Keegan & Alfred Ng, *Who Is Collecting Data from Your Car?*, The Markup (July 27, 2022), <https://themarkup.org/the-breakdown/2022/07/27/who-is-collecting-data-from-your-car>.

¹³ Jen Caltrider, Misha Rykov & Zoë MacDonald, *It’s Official: Cars Are The Worst Product Category We Have Ever Reviewed for Privacy*, *Privacy Not Included (Sept. 6, 2023) <https://foundation.mozilla.org/en/privacynotincluded/articles/its-official-cars-are-the-worst-product-category-we-have-ever-reviewed-for-privacy>.

¹⁴ *Id.* (“Even if you did have the funds and the resources to comparison shop for your car based on privacy, you wouldn’t find much of a difference.”).

¹⁵ *FNPRM* ¶ 25.

A. By Assisting Survivors of Domestic Abuse, the Commission Will Also Help Marginalized Groups.

Domestic violence can affect anyone; but as the *FNPRM* notes, the effects of domestic violence disproportionately impact women, people of color, LGBTQIA+ individuals, and other individuals “who identify with historically marginalized demographics.”¹⁶

In addition to the groups identified by the Commission, domestic violence also particularly affects poorer individuals. According to historical data from 2002, women with annual household incomes of less than \$7,500 were at the time seven times more likely to experience domestic violence than women with annual household incomes of over \$75,000.¹⁷ Poverty is not only linked to domestic violence, but also makes it harder for individuals to leave abusive relationships, as those individuals may lack the resources to seek alternate housing or the financial independence to support themselves and their families.

Additionally, those experiencing homelessness or housing instability are more likely to experience domestic violence and stay in abusive relationships. One national survey from 2003 found that a quarter of homeless mothers had been physically abused in the past year, and almost all of them had experienced or witnessed domestic violence in their lifetimes.¹⁸ Furthermore, 50 percent of U.S. cities surveyed in 2005 indicated that “domestic violence is a primary cause of

¹⁶ *Id.* ¶ 3.

¹⁷ Callie Marie Rennison & Sarah Welchans, Bureau Just. Stats., *Intimate Partner Violence 4* (2002), <https://bjs.ojp.gov/content/pub/pdf/ipv.pdf>.

¹⁸ *Domestic Violence and Homelessness*, ACLU Women’s Rights Proj. (Mar. 21, 2006), <https://www.aclu.org/sites/default/files/pdfs/dvhomelessness032106.pdf> (citing Nat’l Ctr. Fam. Homelessness, *Social Support for Homeless Mothers* 14, 26 (2003), <https://nhchc.org/wp-content/uploads/2019/08/SocialSupportsReport.pdf>).

homelessness.”¹⁹ In helping domestic abuse survivors, the Commission will also help break cycles of abuse, poverty, and homelessness.

Finally, while immigrant status itself is not disproportionately correlated with domestic abuse,²⁰ immigrants experience several risk factors correlated with intimate partner violence.²¹ These risk factors include “acculturative stress, lack of social capital, social isolation stress, language barriers, low social support, poor financial means, low education status, cultural barriers, and fear of deportation.”²² Understanding the interaction between these risk factors and domestic violence will help the Commission successfully assist these groups.

B. The Commission Must Adopt Measures that Address the Specific Obstacles Associated with the Intersectionality of Being a Survivor of Domestic Abuse and Having Other Underrepresented Status.

Devising effective policy to help survivors of domestic abuse should factor in the specific needs and challenges that the aforementioned groups face. For example, understanding that domestic violence survivors are disproportionately poorer, more likely to face housing instability, and may fear involvement with law enforcement should militate against requiring survivors to

¹⁹ *Id.* (citing U.S. Conf. Mayors, *Hunger and Homelessness Survey* 64 (2005), https://www.novoco.com/public-media/documents/usmayors_survey.pdf).

²⁰ See *Abuse in Immigrant Communities*, Nat’l Domes. Violence Hotline, <https://www.thehotline.org/resources/abuse-in-immigrant-communities> (last visited May 18, 2024) (“Immigrant and non-immigrant communities experience domestic violence at similar rates . . .”).

²¹ See Abigail M. Morrison et al., *Intimate Partner Violence and Immigration in the United States: A Systematic Review*, 25 *Trauma, Violence, & Abuse* 846, 846 (Jan. 2024) (“Known risk factors for [intimate partner violence] include low income, low education, being part of a minority group, experiencing stress, alcohol use, lack of social support, and living in communities where violence and crime are common. These risk factors are prevalent among immigrant populations in the U.S. and create a bidirectional relationship between IPV and immigration.”).

²² *Id.* (citing Chunrye Kim & Margaret Schmuhl, *Understanding Intimate Partner Violence in the Asian Communities in America: A Systematic Review*, 21 *Trauma, Violence, & Abuse* 779 (Oct. 2020)).

prove survivor status with police reports, court documents, or legal records.²³ As the New York City Mayor’s Office to End Domestic and Gender-Based Violence (“New York City Mayor’s Office”) noted in response to the FCC Notice of Inquiry for how to implement the SCA, domestic violence survivors may choose not to report abuse to law enforcement for a variety of cultural, financial, and practical reasons.²⁴ Free Press advocates for the Commission to take the same tack as it did in its *SCA Report and Order*, which was to allow individuals to demonstrate their survivor status through affidavits from various care providers,²⁵ or alternatively through a self-attestation form, as the New York City Mayor’s Office and others have suggested.²⁶ Considerations in favor of the latter approach include that individuals living in rural areas may have a harder time accessing supportive services that can provide them with such affidavits,²⁷ and that poorer individuals may be less likely to seek such supportive services because of travel or other administrative costs.

Additionally, because members of some of the marginalized groups identified above may face language or educational barriers, the Commission should continue to require providers to create request mechanisms that use simple and clear wording and are easily comprehensible, as it does for line separation requests in the mobile device context.²⁸ While the Commission declined

²³ See *FNPRM* ¶ 20; Comments of New York City Mayor’s Office to End Domestic and Gender-Based Violence, WC 22-238, at 1 (filed Mar. 23, 2023) (“NYC EDGBV Comments”); see also Comments of the Asian Pacific Institute on Gender-Based Violence, WC 22-238, at 4 (filed Aug. 18, 2022) (noting that “official channels” often “fail to adequately provide linguistic or other access”) (“APIGBV Comments”).

²⁴ NYC EDGBV Comments at 1; see also APIGBV Comments at 5.

²⁵ *SCA Report and Order* ¶ 29.

²⁶ NYC EDGBV Comments at 1.

²⁷ See Comments of EPIC et al., WC 22-238, at 9 (filed Apr. 12, 2023).

²⁸ *SCA Report and Order* ¶ 62.

in the *SCA Report and Order* to require covered providers to offer translated forms and instructions in at least ten of the most commonly used languages in a provider’s covered area,²⁹ the Commission here should require providers to offer line separation requests in at least *some* of the languages most common in the market for connected car services and in formats needed for people with disabilities.³⁰ The Commission suggested previously that requiring covered providers to do so would be unreasonably burdensome,³¹ but Free Press believes the net benefits of providing options in the most commonly spoken languages in the United States easily justify this requirement. We note too that by writing the forms simply and clearly, covered providers of connected car services could make such translation easier and less costly too. Some survivors may have difficulty reading or writing in English, and others have disabilities that make it challenging or impossible to read template instructions and fill out requests. These survivors’ needs for the protections promised by the *FNPRM* are no less urgent than those of survivors who speak English or need no such language or accessibility aids.

IV. The Text of the Safe Connections Act Can Accommodate the Relationships Among Manufacturers, Service Providers, and Domestic Violence Survivors.

Free Press believes that the terminology of the SCA is readily applicable to the connected cars context, and thus can be used to enable a survivor to cut their abuser off from a car’s connectivity features. We will address each operative term in turn.

First, the term “covered provider” applies to “a provider of a private mobile service or commercial mobile service,” and includes facilities-based mobile network operators and

²⁹ *Id.* ¶ 63.

³⁰ If requiring providers to offer forms in the ten languages most common in the area they serve is somehow too burdensome or inapt here, providers could instead use a national standard. *Cf.* APIGBV Comments at 6-7 (identifying the top six non-English languages in the United States).

³¹ *SCA Report and Order* ¶ 63.

resellers/mobile virtual network operators (“MVNOs”).³² The docket in this proceeding, supplemented by auto manufacturers responding to FCC information requests, reflects a variety of arrangements through which mobile service is provided to consumers of connected vehicles. Where wireless providers offer their services directly to consumers,³³ the wireless provider would squarely fall under the definition of a covered provider, and would be subject to SCA obligations. Where auto manufacturers purchase wholesale wireless service from wireless providers, and in turn offer that service to consumers, the auto manufacturer is providing the mobile service to consumers—effectively reselling the mobile service to consumers because the wireless service is provided to the consumer regardless of whether and how it is paid for (with a monthly recurring charge, with a one-time charge, with no explicit charge but as a cost bundled into the purchase price, or some other arrangement).

In these cases, we suggest that the Commission take the same approach as it did with MVNOs in the *SCA Report and Order*, which would be to: 1) require auto manufacturers to fulfill their SCA obligations through their contractual relationship with their wholesale wireless service providers when auto manufacturers rely on those wireless service providers to effectuate line separations; and 2) require auto manufacturers to fulfill their SCA obligations on their own when they control any facilities or systems themselves.³⁴

Second, the SCA definition of “shared mobile service contract” accurately describes the arrangement in which a domestic violence survivor and an abuser share a car with connectivity services. The term is defined in relevant part as “a mobile service contract for an account that

³² 47 U.S.C. § 345(a)(3); *SCA Report and Order* ¶ 17.

³³ *See SCA Report and Order* ¶ 17.

³⁴ *See id.*

includes not less than 2 consumers”³⁵ This definition would capture the instance in which a car with connectivity features (which would have involved a mobile service contract of some sort between a combination of provider, auto manufacturer, and consumer) was shared by a survivor and an abuser—which would mean there were at least two consumers. The term “consumer” also can capture abuser and survivor drivers where the vehicle is jointly owned by both, or solely owned by either but previously or currently used by both.³⁶

While the FCC rules implementing the SCA provisions require at least two “lines of service” to form a shared mobile service contract,³⁷ the Commission should amend its rules to better capture the dynamics involved in connected cars.³⁸ For example, the Commission could clarify that for purposes of its rules implementing the SCA, a shared mobile service contract could include not less than two lines of service or, “in the case of requesting disconnection from connectivity features of a vehicle, two users” and that a line does not necessarily need to be associated with a telephone number for requests involving connected cars.³⁹ Alternatively, the Commission could clarify that, in the context of connected cars, the term “line of service” can represent the profiles or separate uses made of the service by each driver of a shared car.

³⁵ 47 U.S.C. § 345(a)(5).

³⁶ *See Consumer*, Oxford Learner’s Dictionaries, https://www.oxfordlearnersdictionaries.com/us/definition/american_english/consumer (defining consumer as “a person who buys goods or uses services”).

³⁷ 47 C.F.R. § 64.6400(k).

³⁸ *See also* Alliance for Automotive Innovation Draft Legislative Language, WC 22-238 (filed Apr. 12, 2024) (proposing draft language to add connected vehicle services to the SCA).

³⁹ *See FNPRM* ¶ 19 n.60 (documenting instances where a telephone number is not involved).

V. Conclusion

This proceeding can change survivors' lives for the better. Free Press applauds the Commission for its efforts to use the Safe Connections Act to ensure survivors' safe use of connected cars. And to fully realize the ways in which this law can help people, the Commission should consider the wide-reaching ways connected cars can collect data on drivers, factor in the needs of the communities most at risk, and extend its rules implementing the SCA to connected cars.

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