

# Why Remarketers need to get serious about Deletion of Personal Data

Jeremy Raggett  
Director of Product

AutoTek21

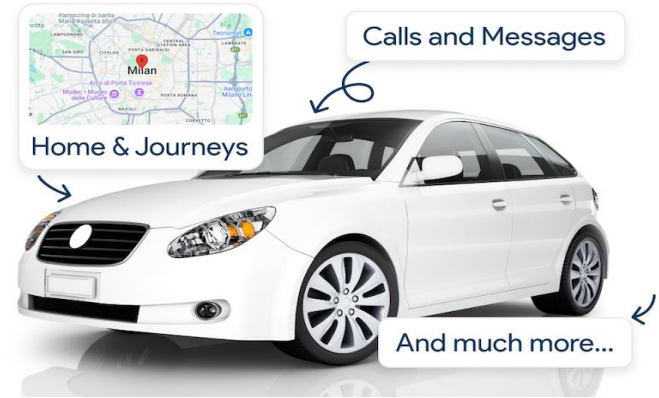


**>70% of defleeted vehicles  
contain Personal Data**

**No documented processes  
exist – reliance on employees'  
knowledge**

**Deletion activity not tracked  
nor reported**

**Unknown Failure Rate**



# | Clarify what is Required for Compliance

We engaged an expert Data Protection and Privacy barrister (King's Counsel) and deputy judge to provide Legal Opinion

## **Aidan Eardley, KC**

- London BAR
- Data Protection – Ranked Tier 1
- Defamation & Privacy – Ranked Tier 1
- Advisor to the ICO (UK's data protection regulator)
- Legal 500 describes him as “a very technical, detailed silk” who has “encyclopaedic legal knowledge; clarity of thought and expression and is very thorough”

We asked for his opinion on scenarios relating to the industry feedback to establish who would be regarded as the Controller of Personal Data.

# KC Opinion

1

## **Responsibility**

"Your physical or financial control makes you a GDPR Controller responsible for deleting personal data in vehicles."

2

## **Not Serious**

"You or your 3rd party partner must delete personal data. Failing to do so is a reportable data breach under GDPR."

3

## **Not my problem**

"You cannot shift legal responsibility to individuals whose data was collected by asking them to delete their own data."

4

## **Best Efforts means we're covered**

"Best endeavours are explicitly insufficient. You must have technical & organisational measures in place for compliance."

**“Controllers cannot shift this legal responsibility to the individuals, whose data was collected, by asking them to delete their own data: GDPR is a consumer protection law and customers or data subjects have no obligations.”**



**Aidan Eardley, King's  
Counsel (KC)**

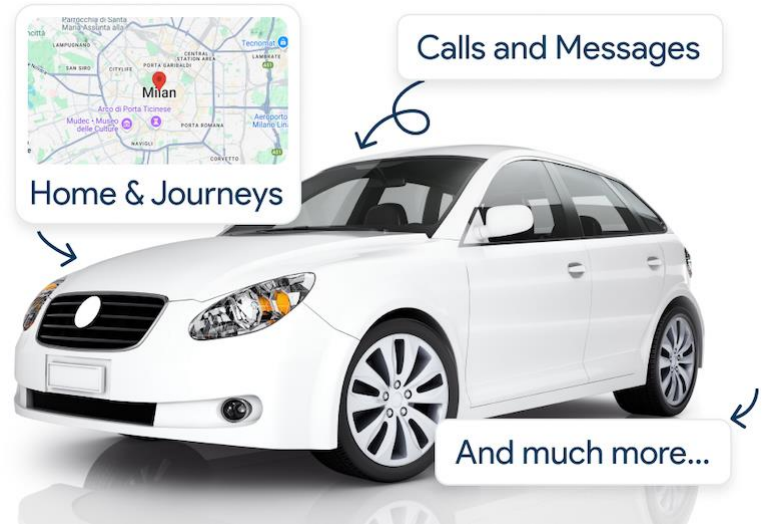
**“A Controller who relies only on the subjective knowledge and experience of individual employees may struggle to meet the requirements in UK GDPR Art 5(2) to demonstrate compliance. A Controller who uses a documented procedure for cleansing an on-board computer system and/or a software product designed to remove problematic data will be much better placed.”**



**Aidan Eardley, King's  
Counsel (KC)**

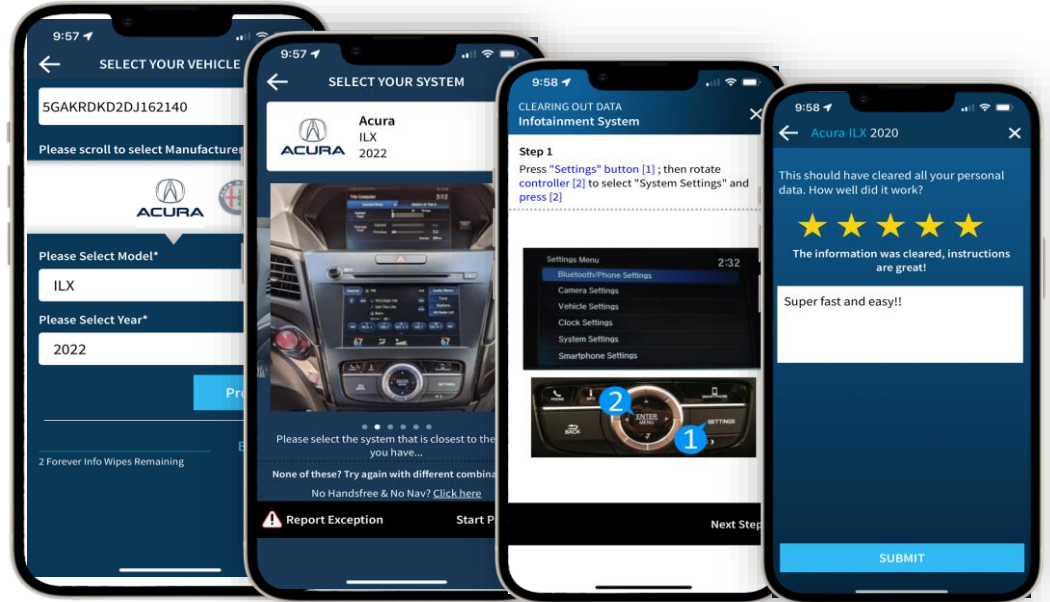
**Fleet, Rental and other  
automotive businesses  
must ensure  
personal data  
is deleted  
from vehicles before  
they change hands.**

*It's your GDPR legal obligation.*





- Robust and fully documented
- Covers 100% of inventory
- Every deletion Date & Time-stamped
- Successful and unsuccessful statuses
- Certificate provision



# Deleting Personal Data from Vehicles: a GDPR Obligation for Automotive Businesses

[Includes the Legal Opinion of Aidan Eardley, King's Counsel \(KC\)](#)

Sept 2024



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