

A Study on the Legal Issues of Google Street View from the Aspect of Public Property and Personal Data Protection Law

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Abstract

Although the Street View service of Google Incorporation is popular with internet users, it causes lots of pending legal questions. Therefore, the purpose of this article is to discuss the issues raised by Google Street View in the area of public property and personal data protection law. The movement of the Google camera cars along public roads is aimed at the collection of street images. All the same, such a drive represents a traffic use of public roads. This means that the movement of the Google camera cars on public roads is still a common use of public roads which the road law had defined. Besides, the travel of the Google camera cars doesn't lead to an impairment of public traffic. The movement of the Google camera cars on public roads without regulatory approval is consequently permitted. Image data of street contain the human figure, the license plate number, and the house number. These data qualify as personal data defined in Article 2 Subparagraph 1 of the Personal Data Protection Act, wherefore the street filming by the Google camera cars and the build of the Google Street View platform involve the collection, processing and use of personal data. The Street View service of Google Incorporation is unconcerned with the exceptional cases provided in Article 51 Paragraph 1 of the Personal Data Protection Act; hence the rules of the Personal Data Protection Act for the collection, processing and use of personal data by private bodies are applicable to Google Street View. However, the collection, processing and use of personal data for the Google Street View service breach the Personal Data Protection Act. Because of this illegality, authorities may take control measures based on Article 25 Paragraph 1 of the

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Personal Data Protection Act. But in practice the problem of competence is unfortunately still disputed.

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