[AT] Data Protection Commission Approves Google Street View

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The Austrian Datenschutzkommission (Data Protection Commission - DSK) has approved the Google Street View service for Austria under certain conditions.

Google Street View was first registered with the DSK in January 2010. After it was revealed in spring 2010 that Google collected and, in some cases, recorded, WLAN data when gathering images for the Street View service, the DSK instigated a test procedure in accordance with Article 30 of the 2000 Data Protection Act (DSG 2000). Google subsequently erased the data it had collected and promised that no more WLAN data would be gathered by Street View vehicles.

The DSK has now approved the registration of Google Street View, subject to three conditions. Firstly, where pictures of people are taken in particularly sensitive areas, their whole body must be disguised, rather than just their faces. Particularly sensitive areas include entrances to churches and other places of worship, hospitals, prisons and women's refuges. Secondly, images of private properties that cannot be seen by passersby, such as private gardens and courtyards, must also be disguised. Finally, affected parties must, according to Article 28(2) DSG 2000, be granted the right of appeal from the time the data is collected. It should be possible to launch the appeal process, which must be simple and effective, before the images are published. In particular, information about the right of appeal and how to exercise it must be made available before images are published on the Google website. The first two conditions must be met before the data is published on the Internet, and the third at least 12 weeks before publication.

If these conditions are not met, Article 30(6) DSG 2000 states, inter alia, that the registration may be reviewed or a charge may be brought under Article 52 DSG 2000.

Informationen der DSK zur neuesten Entwicklung betreffend Google Street View

http://www.dsk.gv.at/site/6733/default.aspx

DSK information about the latest development concerning Google Street View

http://www.dsk.gv.at/site/6733/default.aspx

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