

November 18, 2020

Happy birthday, Google Street View turns 10! A historical data protection review and outlook

It is now 10 years ago that Google launched its panorama service Street View for the 20 largest cities in Germany after long and intensive discussions on data protection. Long before Edward Snowden's revelations of systematic and mass surveillance of intelligence services, and long before Cambridge Analytica and the possibilities of influencing democratic elections through profile-based manipulation of the will of the electorate, the dispute over the Google Street View project may in retrospect seem overdrawn. Nevertheless, the controversy was fierce at the time, as it had only been during the 1983 census in Germany.

Starting in 2007, Google first took panoramic views of the streets of the USA in order to make them available on the Internet. With the appearance of the first Google cars with the 3 meter high camera body in Germany, numerous data protection issues arose. Many citizens, but also politicians, expressed massive concern about the project, despite the automatic pixelation of faces and license plates guaranteed by Google. As a result, there was a call for a stop to the activities of taking pictures in cities and communities. It was particularly controversial that the views of private houses and gardens should be launched without any action or knowledge of the residents. An additional controversy was sparked by the recordings of WIFI networks discovered during a data protection check. Here, Google had not only limited its activities by recording of the WIFIs with their names, locations and other parameters, but also recorded the data traffic and thus the contents of unencrypted WLANs as they drove by. As a result, a series of investigations and preliminary proceedings were initiated against Google worldwide.

In protracted negotiations between Google and the HmbBfDI, a right of objection was achieved throughout Germany at the time, which enabled affected owners and tenants to apply to pixelate views of houses or apartments by indicating their place of residence before publication on the Internet. Subsequently, approximately 250,000 applications for pixelation were submitted and implemented by Google. The right to object as well as other requirements, such as advance notice of journeys in the respective regions, still apply to all providers of panorama services in Germany today.

Since then, Google has not renewed its pictures for the Street View service. In its decision of May 2020¹, the Conference of the Independent Federal and State Data Protection Authorities of Germany maintained the conditions established at that time even under the provisions of the GDPR. In principle, this also applies to the objection to images of houses and private property areas before being launched in Google Street View.

¹ https://www.datenschutzkonferenz-online.de/media/dskb/20200526_beschluss_vorabwidersprueche_bei_streetview_und_vergleichbaren_diensten.pdf

Prof. Johannes Caspar, Hamburg Commissioner for Data Protection and Freedom of Information: "If you like, the debate about Google Street View was the first and at the same time the last battle of the analogue with the powerfully emerging digital world, which confronted the everyday life of many people with digital technology. The initial uncompromisingness with which this was realised, had also brought proponents of especially traditional values against the Google Street View project. Today, all this would have long since become data protection history. However, the current question of the admissibility of panorama services still remains on the agenda. I think that such panoramic services have many advantages and in the end they should not fail because of data protection. Unfortunately, however, there are still no generally applicable standards that provide legally binding guidelines throughout the EU for the protection of the rights and freedoms of those affected and also of service providers for panoramic services. A coherent framework should prevent a patchwork of different standards concerning panoramic services at EU level. "

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