



Press release

Judgment in Google Street View case: Court finds in favour of the FDPIC

Bern, 04.04.2011 – Google Street View is breaching the privacy of members of the public without justification and is thus violating Swiss law. This is the decision of the Federal Administrative Court in a judgment dated 30 March 2011. The demands made by the Federal Data Protection and Information Commissioner (FDPIC) have been upheld in all essential respects.

In the Street View service, which has been online since mid August 2009, numerous faces and vehicle number plates are not made sufficiently unrecognisable from the point of view of data protection, or persons are shown in sensitive locations, e.g. outside hospitals or prisons. For these reasons, the FDPIC issued a recommendation on 11 September 2009 in which he called on Google to improve its efforts to protect personal data and privacy. In its written response on 14 October 2009, Google largely declined to comply with these requests, in response to which the FDPIC filed an action in the Federal Administrative Court on 13 November 2009.

In its judgment (A-7040/2009) relating to the action of the FDPIC, the court held as follows:

- Google must "ensure that all faces and vehicle registration numbers are made unrecognisable before the images are published on the Internet." In the vicinity of sensitive institutions (prisons, hospitals, women's refuges, etc.), Google must "not only blur faces but also other identifying features such as skin colour, clothing, aids used by people with disabilities, etc." so that the persons concerned are no longer recognisable (requests 1 and 2).
- Google must not take any photographs of private areas such as enclosed gardens or yards "that are out of sight to normal passers-by" and must "remove any such images already available on Google Street View or obtain the consent of the person concerned" (requests 3).
- Images of private roads are permitted "provided personal data has been made sufficiently unrecognisable and they do not show any private areas" that are out of sight to normal passers-by (requests 4).
- Google must give advance notice of filming expeditions in the local press and not only on the Google Maps website. The same applies when posting the images on the Internet (requests 5 and 6).

The court further held that the FDPIC was entitled to issue the recommendation to Google Switzerland GmbH and Google Inc. The data processing carried out for Street View "violates the rules on processing in the Data Protection Act and is not justified by overriding private or public interests." It therefore found in favour of the FDPIC. The decision may be appealed to the Federal Supreme Court.