

Fact Sheet | Fiche d'information



Office of the
Information and Privacy
Commissioner of Alberta



OFFICE OF THE
INFORMATION & PRIVACY
COMMISSIONER
for
British Columbia



Commission d'accès
à l'information
du Québec



Office of the
Privacy Commissioner
of Canada

Captured on Camera

Street-level imaging technology, the Internet and you

A number of companies have begun collecting images of public places in Canada, which may then be made available over the Internet or through other means. Individuals may be captured in these images, perhaps incidentally. One of the most widely known is Google's Street View application, which allows computer users to make "virtual visits" to cities such as Paris, London, New York and, eventually, major Canadian centres. Canpages is another company that provides street images on the Internet. Other applications have also been developed for fields such as geomatics, surveying, mapping and urban planning.

In Canada, there is private-sector privacy legislation that applies to these street-level imaging applications if they are collecting images of identifiable people. And, while the Privacy Commissioners of Canada, British Columbia, Alberta and Quebec recognize the popularity of these applications, they have also expressed reservations because the technology captures images not just of places, but of people as well.

The Commissioners believe Canadians should be aware of the privacy issues that can arise.

People in Public Places

A common misconception is that a company doesn't need your permission to take your photograph in a public place.

In fact, one of your key protections under Canadian privacy law is that you should know when your picture is being taken for commercial reasons, and what your image will be used for. Your consent is also

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needed¹. There are exceptions to this rule but they are very limited and specific².

However, with some of the new street-level imaging applications, you don't always know if your image is being captured. This is why we think companies that engage in this activity have to let citizens know that they are going to be photographing the streets of their city, when this will happen, why, and how they can have their image removed if they don't want it in a database. For example, this could include visible marking on the vehicles that are used to capture the information, and notification using a variety of media (press release, local media outlets, service web site) outlining dates and locations for filming, the purpose for filming and how people can contact them with questions. Most people probably don't expect their images to be captured by a company as they go about their business, but they may mind less if they have a choice to plan their day accordingly.

The Privacy Dimension and Your Image Online

Street-level imaging applications use various means of photographing the streetscape. Typically, a camera is mounted on a vehicle that is driven up and down the streets of selected cities. The images can then be viewed on the Internet.

Privacy Commissioners have had discussions with several companies to strengthen privacy protections for people whose images are captured. Our position is that all companies that offer such applications must take steps to better safeguard your privacy.

In addition to companies being proactive and creative in their public communications to ensure that Canadians know when their cities -- and, therefore, they themselves -- may be photographed, we think these companies need to be more privacy sensitive in the areas they choose. They need to be mindful that people entering or leaving sensitive locations, such as shelters or abortion clinics, likely want to remain anonymous for privacy and safety reasons.

They should also use proven and effective blurring technologies for faces and vehicle licence plates, so that people cannot be identified when their

¹ Consent may be express or implied.

² In general, under Canadian private-sector privacy legislation, knowledge and consent are not required for journalistic, artistic or literary purposes. There are other exceptions and these can be found in the four applicable private-sector privacy laws: [Personal Information Protection and Electronic Documents Act](#); [Personal Information Protection Act](#) (British Columbia); [Personal Information Protection Act](#) (Alberta); [La Loi sur la protection des renseignements personnels dans le secteur privé](#).

images are posted. Where individuals may be identifiable, companies must offer fast and responsive mechanisms to allow the images to be blocked or taken down.

Companies offering these imaging applications must also have a good reason to keep the original, unblurred images in their databanks. If they do retain unblurred images, they must limit how long they keep them and protect them with appropriate security measures.

The Bottom Line

Street-level imaging technology may offer benefits, but these should not come at the cost of your privacy.

That is why we encourage technology companies to ensure that you continue to enjoy your right to privacy, even when you're simply out in the park, walking your dog, or sunning yourself in your backyard.