

EN  
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Answer given by Ms Jourová  
on behalf of the Commission  
(3.5.2018)

The image of a person recorded by a dashcam constitutes personal data within the meaning of Article 2(a) of Directive 95/46/EC<sup>1</sup> and of Article 4(1) of the General Data Protection Regulation (GDPR)<sup>2</sup> inasmuch as it allows for the identification of individuals and in the same way as image and sound data recorded by means of closed-circuit television (CCTV) and other video surveillance systems are considered personal data..

The legislation of the European Union on data protection applies to the processing of personal image data recorded by dashcams. While the EU data protection rules do not specifically refer to dashcams, they are technology neutral. The use of dashcams must comply with the principles and rules of the GDPR, including that the processing of personal data by dashcams is lawful.

In Germany there is no legislation specifically banning the use of dashcams. The national data protection supervisory authorities and courts are in charge of ensuring that the use of dashcams complies with the applicable data protection legislation. Current case law prohibits the publication of the material on the internet. There already is case law in Germany and Austria on sanctioning the recording by private persons.

In order to encourage consistent application of the GDPR, the European Data Protection Board (EDPB) – the new EU body established by the GDPR, could issue guidelines, recommendations and best practices on the application of the GDPR in the respective area. In that context, the national data protection authorities, working together within the Board, would be able to give further guidance on this issue.

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<sup>1</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data

<sup>2</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)