Canada says new Google map could break privacy law

By David Ljunggren

OTTAWA (Reuters) - The Street View feature of Google Maps, with its close-up views of city streets and recognizable shots of people, could violate a Canadian law protecting individual privacy, officials said on Wednesday.

Google Inc introduced street-level map views in May, giving web users a series of panoramic, 360-degree images of nine U.S. cities. Some of the random pictures feature people in informal poses who can clearly be identified.

Canada's Privacy Commissioner Jennifer Stoddart wrote to Google in early August asking for more details. She said if the Street View product were expanded to Canada without being amended, it could well violate privacy laws.

The images were produced in partnership with Canadian firm Immersive Media Corp, which says it has taken similar street level pictures of major Canadian cities.

Canadian law obliges businesses wishing to disclose personal information about individuals to first obtain their consent. Stoddart said pictures of people on Street View were clear enough to be considered personal information.

"The images ... appear to have been collected largely without the consent and knowledge of the individuals who appear in the images," wrote Stoddart.

"I am concerned that, if the Street View application were deployed in Canada, it might not comply with our federal privacy legislation. In particular, it does not appear to meet the basic requirements of (the law)."

Stoddart sent a similar letter to Immersive Media and the documents were posted on her website, http://www.privcom.gc.ca/. No one from either company was immediately available for comment.

Stoddart did not give either firm a deadline. If Google launched Street View in Canada without taking privacy laws into account, Stoddart said pictures of people on Street View were clear enough to be considered personal information.

"We thought we'd get out in advance of any implementation and ask them how they were going to take into account Canadian privacy rights," he said.

Investigations usually end with the commissioner working with companies to issue findings and recommendations.

"(Speaking) hypothetically, I don't think we'd lean toward a cease and desist (order), we'd lean toward
enforcing privacy rights. There are many ways of taking photographs of a street without taking pictures of everyone there -- film companies do it all the time by blocking off streets," said McKay.

Stoddart said that although people could request their image be removed from Street View, this was not enough to meet Canada's 2004 personal information protection act.

"From our point of view, if you spot yourself and you perceive that as a violation of your privacy rights, then the act has already been violated," said McKay.