

BCI memory data and the household exemption: *Ryneš* (CJEU C-212/13)

Mr Ryneš, a journalist often subject to attacks, had installed a static camera for protection outside his house. Images recorded to local hard drive, overwritten automatically when space ran out. Suspects of a new attack identified from CCTV; in court they claimed this evidence could not be used as it was not collected in line with the Czech DPA. Mr Ryneš argued it fell under art 3(2), the “household exemption”.

CJEU asked if a home camera system for “protection of the property, health and life of the owners” can be household processing **even though it also monitors a public space**.

Judgement: To the extent that video surveillance such as that at issue in the main proceedings **covers, even partially, a public space** and is accordingly directed outwards from **the private setting of the person** processing the data in that manner, it cannot be regarded as an activity which is a purely ‘personal or household’ activity

Points:

- Disclosure was important here. Recordings with more the flavour of ‘keeping of address books’ might not be covered. Important that exemption “must be narrowly construed”, not blanket opportunism.
- If published/shared, then double whammy of this logic plus *Lindqvist*.
- Technically, creates many new *citizen controllers* already. With wearables, tension rises.

But BCI memory data \neq Google Glass: *so what's the difference?*

