



Dash Cams

Dear Reader,

In early 2016 the experts at the German conference on road traffic law (Deutscher Verkehrsgerichtstag) in Goslar in northern Germany highlighted a problem which has only recently been resolved by the German Federal Court of Justice (BGH). Recording traffic incidents with dash cams is now permitted, providing that these devices are not in continuous operation. The experts at this conference acknowledged the fact that videos of traffic incidents taken by cameras in cars could help to shed light on accidents and traffic offenses. However, the use of the camera represents a serious breach of the personal rights of the road users being filmed.

The BGH ruled in Karlsruhe on May 15, 2018 that video recordings are admissible evidence in cases brought before German courts for the purpose of determining accident liability, because it is technically possible to take a video as “a brief, situation-related recording of the events of an accident.” The judges have decided in favor of shedding light on accidents and against protection of data. Permanent recording is still not permitted, but short videos are allowed. The cameras must be programmed in such a way that “the recordings are constantly overwritten at short intervals and permanent storage is only possible in the event of a collision or heavy braking,” according to the BGH. The written explanation of the ruling will specify exactly how many seconds the recording can last.

Both insurance companies and dash cam manufacturers are very pleased about the outcome, because they are hoping it will bring them an increase in business. Immediately after the ruling was announced, the sales figures for Rollei and the world market leader BlackVue

rose rapidly. Motorola, another manufacturer of dash cams, joked about Germany being a Mecca for data protection, but its Binatone cameras already have a loop recording function which ensures that the videos can be deleted quickly. For some years drivers in the UK have been given a discount of up to 10 % on their car insurance if they have fitted a dash cam. A survey by German radio station Südwestrundfunk indicates that German insurance companies such as Allianz and Huk Coburg would consider a discount of this kind.

We can only hope that dash cams will help to reduce the number of injuries and deaths on the roads, because reckless drivers now know that their misdemeanors are being filmed and this may make it easier in future to clear up road traffic offenses. However, we also need to take a good look at our own behavior, as it is not always the other driver who is at fault in an accident. Will we soon have dash cams in our cars recording what we are doing, which may include using our smartphones? That would fulfill a more educational function.



Dipl.-Ing. Michael Reichenbach
Deputy Editor in Chief

