



MELO ALVES

## **GPS: CONSTITUTIONAL COURT RULING ON THIS MEANS OF PROOF**

At issue was the requirement for the judge to intervene when data collected by a GPS device installed in a vehicle by its owner and handed over by the owner at the request of the Judicial Police for criminal investigation purposes is added to criminal proceedings.

As we understand it, for the first time, the Constitutional Court has ruled on the data extracted from this device.

The interest of this judgement lies, on the one hand, in the validity of evidence obtained by private individuals and, on the other, in the assertion that location data collected by a GPS device affects citizens' fundamental rights.

Several case law decisions have held that placing a GPS in a vehicle does not conflict with the right to privacy.

This issue was raised by us in appeal no. 440/24, 1st section - judgement 506/2024, handed down on 28.06. 2024 - which ruled that the rule contained in Article 125 of the Code of Criminal Procedure was unconstitutional, when interpreted to mean that the addition to criminal proceedings of data collected by a GPS installed in a vehicle by its owner, handed over by the latter at the request of the Judicial Police for the purposes of criminal investigation, does not require validation by a judge, as it violates the provisions of Articles 26(1) and 18(2) of the Constitution of the Portuguese Republic.

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