[DE] Network Monitoring Decree Adopted

IRIS 2001-10:1/27

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On 24 October, the Federal Government adopted the Verordnung über die technische und organisatorische Umsetzung von Maßnahmen zur Überwachung der Telekommunikation (Decree on the technical and organisational transposition of measures to monitor telecommunications - TKÜV) (see IRIS 2001-9: 15).

The TKÜV supplements existing legal provisions under which the secrecy of telecommunications, protected by the German Constitution, may be breached. It lays down the technical and organisational precautions that must be taken by operators of telecommunications systems, including so-called public telecommunications systems, in terms of monitoring and recording telecommunications. For example, operators of transmission systems that give subscribers direct access to electronic communications networks (eg direct lines or other broadband services such as DSL or even cable TV) are therefore obliged to take such precautions. However, Internet Service Providers are not required to monitor individual users who access the Internet via their modem or ISDN connection. The Decree applies to all means of communication, including telephone and mobile phone conversations, fax, e-mail and SMS.

The precise details of how the TKÜV should be implemented will have to be determined by a Technical Directive, to be drawn up by the Regulierungsbehörde für Post und Telekommunikation (Regulatory Authority for Post and Telecommunications) in consultation with industry representatives.

Verordnung über die technische und organisatorische Umsetzung von Maßnahmen zur Überwachung der Telekommunikation (TKÜV) vom 24. Oktober 2001

Decree on the technical and organisational transposition of measures to monitor telecommunications of 24 October 2001

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