[DE] Unauthorised Recording Punishable

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Alexander Scheuer
Institute of European Media Law (EMR), Saarbrücken/Brussels

In February, all the parties in the Bundestag (Parliament) agreed on a common Bill that makes unauthorised and secret filming a punishable offence. In a corresponding amendment of the Strafgesetzbuch (Criminal Code - StGB), the protection of privacy will be increased as the existing ban on sound recordings is replaced with the new rule.

Anybody who, without permission, takes or transmits pictures of another person in their home or places that are not directly visible to the public, will be liable to punishment. Such actions will be deemed to be unauthorised unless the person pictured has given their consent. The offence is punishable if it infringes the privacy rights of the person concerned. The Bundestag has therefore taken the initiative begun last year when the Bundesrat (upper house) tabled a corresponding bill (see IRIS 2003-10: 13). According to the current provisions, it is only a punishable offence if illegally obtained pictures are made accessible to a third party; this gap in legal protection will be closed by the proposed amendment of the StGB.

Bill of 10 February 2004, Bundestag doc. no. 15/2466

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