[DE] Press Council Activity Report on Editorial Data Protection

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Caroline Hilger
Saarbrücken

On 29 January 2004, the Deutsche Presserat (German Press Council) published its first activity report on the theme of "editorial data protection".

The German Press Council is a self-regulatory body for the printed press. Under the amendment to the Bundesdatenschutzgesetz (Federal Data Protection Act - BDSG), which entered into force on 1 June 2001, it is responsible for monitoring the implementation of voluntary data protection guidelines related to the gathering, processing and use of personal data in the media The legal basis set out in Art. 41.1 BDSG is aimed at reconciling the protection of the individual's personal data (Art. 2.1 in connection with Art. 1.1 of the Grundgesetz (Basic Law GG)) with the freedom of the press, which is also enshrined in the Basic Law (Art. 5.1 GG). The Act states, with reference to the competence of the Länder, that only certain provisions of the BDSG apply to the press sector (so-called "privilege of the press"). This media clause is supplemented by voluntary self-regulation in the sense that the German Press Council has incorporated a code of conduct to promote data protection rules in its comprehensive Press Code. The code of conduct is expressly supported by the legislator under the terms of Art. 38a BDSG. The Press Council's provisions on editorial data protection state in specific terms the duty of care incumbent on the press under Land press laws in relation to the editing, publication, documentation and archiving of personal data. They also state that the victims of breaches of these rules of conduct may appeal to the Complaints Committee set up by the German Press Council before lodging an official complaint.

The new report provides detailed information about the Press Council's activities in the field of editorial data protection between 2001 and 2003. The Press Council Complaints Committee had to rule on over 20 complaints during that period, although only eight of these resulted in action being taken (warning, notice of disapproval or public reprimand). In addition, the activity report contains the results of a survey carried out among 713 press companies in the first half of 2003 concerning editorial data protection.

Bericht des Deutschen Presserates zum Redaktionsdatenschutz 2004

2004 Report of the German Press Council on editorial data protection

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