[DE] Federal Government Statement on TMG Amendment

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The Federal Government has issued a statement in response to the bill tabled by the Bundesrat (upper house of parliament) amending the Telemediengesetz (Telemedia Act - TMG). The bill, based on a draft text adopted in June 2011 in order to improve data protection on online platforms, was tabled on 3 August 2011 (doc. 17/6765).

By means of the bill, the Bundesrat endeavours to increase information obligations for service providers, improve transparency in relation to the gathering, processing and use of personal data, and provide clearer information, particularly for young people, about the “dangers to their personality rights and privacy”. The Bundesrat also hopes that, in principle, the highest security level will be applied as the default setting with regard to personal data. In addition, providers should enable users to delete, block or make anonymous their data in the telemedia service concerned.

In the government’s opinion, the bill deals with important subjects related to data protection linked to Internet services offering user-generated content. For example, the government believes that a particularly high level of data protection is desirable, especially in order to ensure the effective protection of children and young people.

However, the government also thinks that the bill throws up some questions. For example, it believes it is necessary to “examine the current legal situation very carefully” in order to “determine the current need for legislative action”. This process should cover all provisions relevant to data protection law.

The government also states that the “particular challenges relating to the protection of personal data in the Internet age” should be regulated at European level rather than by individual countries. A particular advantage of Europe-wide regulation is that it is easier to enforce at international level than by national laws. In this connection, the government refers, among other things, to the European Commission’s anticipated proposals to amend European data protection law.

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Stellungnahme der Bundesregierung zum Gesetzentwurf des Bundesrates für ein … Gesetz zur Änderung des Telemediengesetzes (TMG) (BR-Drs. 156/11 - Beschluss)

http://www.bmwi.de/BMWi/Redaktion/PDF/S-T/bundesregierung-verabschiedet-stellungnahme-aenderung-telemediengesetzes,property=pdf,bereich=bmwi,sprache=de,rwb=true.pdf

Federal Government statement on the Bundesrat bill amending the Telemediengesetz (Telemedia Act - TMG) (doc. 156/11 - decision)

Gesetzentwurf des Bundesrates Entwurf eines … Gesetzes zur Änderung des Telemediengesetzes (TMG), Drucksache 17/6765, 3. August 2011

http://dipbt.bundestag.de/dip21/btd/17/067/1706765.pdf

Bundesrat bill amending the Telemediengesetz (Telemedia Act - TMG), doc. 17/6765, 3 August 2011

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