[DE] Cologne District Court Rules on Reporting of Traffic Police Drug Test

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According to media reports, in a ruling of 5 December 2012 (case no. 28 O 403/12), the Landgericht Köln (Cologne District Court) upheld a temporary injunction (decision of 13 September 2012) preventing a TV broadcaster from reporting on a drug test carried out by traffic police on a famous actor.

The traffic police carried out the check because they had noticed that the actor's eyes appeared to be red. They therefore conducted a drug test, which proved negative.

The incident was reported in a TV programme, which mentioned the actor's name. The court ruled that it was unlawful to identify the actor in reports on this case and that his general personality rights, enshrined in Article 2(1) in conjunction with Article 1(1) of the Grundgesetz (Basic Law - GG), had been infringed. In view of the fact that the plaintiff could not be blamed for any wrongdoing, there was no justification for using the drug test as the basis for a report suggesting that the actor might be a drug user. The principles governing the reporting of unproven allegations contained in press legislation did not apply in cases in which the person concerned had merely been exposed to the general risk of being subjected to a traffic check and had done nothing to contribute to any potential defamation.

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