[DE] Publication of Information About Celebrity's Daughter Was Admissible

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In a currently unpublished decision of 5 November 2013, the Bundesgerichtshof (Federal Supreme Court - BGH) ruled that the publication of the first name, age and parentage of the children of well-known celebrities can be disclosed in certain circumstances.

The court action concerned a report in the "Viel Spaß" magazine about the (adopted) children of a famous television presenter. The presenter's adopted daughter had asked the magazine not to publish the fact that she was the presenter's child; her request was initially upheld in both lower-instance courts.

Following the defendant's appeal, the BGH explained firstly that publication of this information constituted an infringement of the right to informational self-determination protected under Articles 2(1) and 1(1) of the Grundgesetz (Basic Law - GG) and Article 8(1) of the European Convention on Human Rights. After carefully weighing the freedom of the press against the right to privacy of the children concerned, the Supreme Court found that the details of the adoption (first name, age and parentage of the plaintiff), which had taken place in 2000, had been made known to the general public in the press a few years previously, and were still available on the Internet. The inclusion of this information in the report therefore did not constitute a serious infringement of the plaintiff's general right to privacy. Ruling that the freedom of the press and the public's right to information took priority in this case, the BGH quashed the appeal court's decision and dismissed the action.

Pressemitteilung des BGH zum Urteil vom 5. November 2013 (Az. VI ZR 304/12)

http://juris.bundesgerichtshof.de/cgi-bin/rechtsprechung/docume

Federal Supreme Court press release concerning the decision of 5 November 2013 (case no. VI ZR 304/12)

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