[DE] Oldenburg Appeal Court Fines Newspaper’s Online Service EUR 10,000

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According to media reports, the Oberlandesgericht Oldenburg (Oldenburg Appeal Court - OLG) fined the online service of a major daily newspaper EUR 10,000 in a ruling of 10 December 2013. The portal had published video footage of a police operation in which the faces of the police officers involved had not been pixellated.

The videos showed a person being arrested during a police operation at a disco in Bremen on 23 June 2013. The police officers’ faces were clearly visible. A temporary injunction was issued against the online service on 26 August 2013, ordering it to make the officers unrecognisable.

The online service announced that it had already removed the videos from its Internet platform on 5 August 2013. However, despite the threat of a fine, the film was still available, without any alterations, on the website on 19 September 2013. The Landgericht Aurich (Aurich District Court) therefore imposed a EUR 10,000 fine. The online service appealed against this decision and demanded the fine be reduced to EUR 2,000. The Oberlandesgericht Oldenburg rejected this appeal, considering the fine reasonable because publication of the video footage had infringed the privacy of five people and the online service had a large number of users.

The publication of the videos, especially on account of their topicality, represented a significant breach of privacy, since they had been watched by a large number of website users a short time after the incident occurred. It had been in the online service’s specific interest to show the unaltered video of the police operation as soon as possible after the event. In the court’s opinion, the URL title “polizeiattacke-in-bremen-das-ist-der-club” (“police-attack-in-Bremen-this-is-the-club”) had also been deliberately designed to attract the interest of the website’s users.

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