[AT] New Rules on Compensation in Media Law

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In the fight against organised crime, two new methods of investigation have been incorporated into the Code of Criminal Procedure: "optical and acoustic surveillance of persons with the help of technical devices" (popularly known as the bugging offensive) and "computerised data-scanning".

Alongside the reform of criminal procedure, a new Section 7c ("Protection against prohibited publication") has been inserted in the Media Act. Under the new compensation rule, persons whose legitimate interests have been harmed are in principle entitled to claim compensation from media operators or publishers who disclose information concerning recordings, photographs or written records obtained when telephone calls are monitored or optical and acoustic devices are used for surveillance of persons, provided that such recordings, pictures or written records have not been used already in public court proceedings. Compensation may not exceed ATS 1,000,000, and certain factors must be taken into account when deciding the amount. In certain cases (for example, when personal information has been published at the authorities' instigation), there is no entitlement to compensation.

Artikel III des Bundesgesetzes, mit dem zur Bekämpfung organisierter Kriminalität besondere Ermittlungsmaßnahmen in die Strafprozeßordnungeingeführt sowie das Strafgesetzbuch, das Mediengesetz, das Staatsanwaltschaftsgesetz und das Sicherheitspolizeigesetz geändert werden (Bundesgesetzblatt 1997 I 105 vom 19. August 1997)

Section III of the Federal Act incorporating specific investigative methods aimed at combating organised crime in the Code of Criminal Procedure and amending the Criminal Code, the Media Act, the Prosecution Service Act and the Police Act (Federal Gazette 1997 I 105 of 19 August 1997)

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