Law | German Human Rights

GL.07 Sphere Theory

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The general right of personality and the right to private life cover broad areas of human activity. At some points, this protection must take a back seat to other rights and interests. In order to determine, as a first step, how intensively personal rights are affected, the sphere model has become established in case law. A distinction is made between intimate sphere, private sphere, social sphere, professional social sphere and individual sphere:

The intimate sphere represents the inviolable core of the right of personality. It includes the protection of the inner world of thoughts and feelings as well as sexual life. State intervention is not permissible. In the absence of permissibility of intervention, there is also no balancing of interests.

Privacy protects the circle of family and close friends as well as the domestic sphere. Interference is permissible. In the balancing process, overriding interests of the general public are required for interventions. A strict prohibition of excessiveness applies.

The social sphere concerns the public life of a person. Interventions are permissible. In the balancing process, less stringent interference requirements apply, since the individual is in contact with others from the outset.

The individual sphere includes the protection of the right to self-determination. Case law has developed the right to informational self-determination, the right to resocialization and the right to know one's own origins