

GL.03 Secrecy of Telecommunications

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Last update: 2021-05-22 14:38:26 | By: Winfried Veil

Created at: 2021-05-13 09:19:42

Under Art. 10 Grundgesetz, the secrecy of correspondence, post and telecommunications is inviolable; restrictions are permissible on the basis of a law. Legal definitions can be found in Sec. 88 of the Telecommunications Act and in Sec. 206 of the Criminal Code. Accordingly, the content of telecommunications and the circumstances surrounding it (in particular, the fact whether someone is or was involved in a telecommunications process and the circumstances surrounding unsuccessful connection attempts) are subject to telecommunications secrecy. The secrecy of telecommunications protects the incorporeal transmission of information to individual recipients and therefore also the so-called traffic data. It should be noted that, according to the case law of the Federal Constitutional Court, once the communication process has been completed, the data no longer falls within the scope of protection of the secrecy of telecommunications. This data has then passed into the subscriber's sphere of control and there is no longer any danger due to communication over a physical distance.