Law | Data Protection Reform

Re.09 Freedom of Expression

Authors: Winfried Veil

Last update: 2021-09-06 21:33:38 | By: Winfried Veil

Created at: 2021-08-30 08:27:42

In Art. 85, the GDPR requires EU Member States to reconcile data protection on the one hand and freedom of expression **[Tile CO.09]** and freedom of information **[Tile CO.10]** on the other.

In Germany, this has been done for the traditional press in the State Media Treaty and in the press laws of the Länder **[Tile GL.09]**.

For bloggers, photographers, parties, clubs, associations and all citizens who want to make use of their freedom of opinion and information, however, there is great legal uncertainty insofar as they want to process personal data for this purpose.

In a "Data Protection Freedom of Expression Act", non-journalistic expressions of opinion should be exempted from obligations under data protection law, following the example of the media privilege (opinion privilege). The protection of the personal rights of those affected is sufficiently guaranteed by civil and criminal law.