

GL.04 Data in telecommunications & telemedia

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[Sec. 1 para. 1 no. 2 of the German Telecommunications Telemedia Data Protection Act](#) (TTDSG) contains "special provisions for the protection of personal data in the use of telecommunications services and telemedia".

According to its wording, the TTDSG thus seems to protect personal data per se (insofar as there is a connection with telecommunications or telemedia). This would then be independent of which rights and freedoms are specifically affected. This raises the question of whether and to what extent personal data can be considered as the sole *Schutzgut*. Without the addition of another *Schutzgut* (e.g. [privacy](#)), there are no standards for weighing interests and risks [see tile [DS.22](#)]. There is therefore a case for always interpreting the protection of personal data in combination with the other protected rights mentioned in the TTDSG:

- [Secrecy of telecommunications](#) (Sec. 1 para. 1 no. 1 TTDSG)
- [Privacy](#) (Sec. 1 para. 1 no. 3 and 7 TTDSG)

In contrast to the TTDSG, the GDPR does not make the protection of personal data the *Schutzgut*. The GDPR formulates the protection of

- **natural persons** ([Art. 1 \(1\) GDPR](#)) and
- **fundamental rights and freedoms** ([Art. 1 \(2\) GDPR](#))

with regard to the processing personal data. For more information on the wording used by the GDPR (in particular rights, freedoms, interests, fundamental rights and freedoms): [Tiles R.](#)

[Sec. 1 para. 1 of the German Data Protection Act](#) (BDSG) is also formulated differently. This Act "applies" to the processing of personal data and thus does not name a concrete *Schutzgut*.