

GL.01 General Right of Personality

Authors: Winfried Veil

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The right of personality is a fundamental right that serves to protect the personality of a person against encroachments on his or her sphere of life and freedom.

In German law, the right of personality as such is not expressly regulated. Only specific aspects of the right of personality have found their way into law, such as the right to respect for honor, the right to a name or the right to one's own image. However, it became apparent that this could not provide comprehensive protection against the increasing encroachments on personal life and freedom. Since the 1950s, the general right of personality has been further developed and concretized in a large number of judgements by the judiciary and is now recognized by customary law as a matter of general legal conviction. (Source: Wikipedia)

The German Federal Constitutional Court developed the right to informational self-determination [see Tile ...] from the general right of personality: *„In the context of modern data processing, the general right of personality under Art. 2 I in conjunction with Art. 1 I Grundgesetz [i.e. Constitution of Germany] encompasses the protection of the individual against unlimited collection, storage, use and sharing of personal data.”* (Judgement of 15.12.1983 - 1 BvR 209/83 and others).

According to its wording, the Schutzgut of the old version of the German Federal Data Protection Act (expired on 24 May 2018) was the right of personality: *"The purpose of this Act is to protect individuals from having their right of personality impaired by the processing of their personal data."* Some data protectionists are critical of the (sole) derivation of data protection law from the right of personality.