

## GL.06 Privacy

Authors: Winfried Veil

Last update: 2022-01-07 08:25:15 | By: Winfried Veil

Created at: 2021-06-02 08:17:19

The right to respect for privacy is also recognized in German law. It is derived from Art. 2 I in conjunction with Art. 1 I *Grundgesetz* (i.e. the German Constitution).

The *Bundesgerichtshof* (i.e. the Federal Court of Justice dealing with civil and criminal law) defines the right as follows [[ruling of 10.11.2020 - VI ZR 62/17](#)]:

*"The right to respect for privacy guaranteed by Art. 2 (1) and Art. 1 (1) of the Basic Law, Art. 8 (1) of the ECHR grants everyone an autonomous area of their own life in which they can develop and exercise their individuality to the exclusion of others. This also includes the right to be for oneself, to belong to oneself and to exclude insight by others. The protection of privacy is determined both thematically and spatially. In particular, it includes matters that are typically classified as "private" because of their information content, for example because their public discussion or display is considered indecent, becoming known is perceived as embarrassing or triggers adverse reactions from the environment. In principle, this also includes - regularly depending on the richness of detail and depth of the information - incidents from the family sphere, the arrangement of family relationships, as well as situations of great emotional stress, as in the case of mourning for a relative or a close person, since they can trigger expressions of emotion, personal impulses and actions that are recognizably not intended for the eyes of third parties or bystanders."*