

GL.02 Right to Informational SelfDetermination

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The right to informational self-determination was developed by the German Federal Constitutional Court from the general right of personality [[Tile GL.01](#)] and recognised as a fundamental right in the 1983 census ruling. It includes a control component ("control over the data", [Tile DS.14](#)) and a transparency component:

*? **Right to shape and control:** The right to informational self-determination guarantees in principle the power of the individual to determine the disclosure and use of his or her personal data himself or herself.*

*? **Right to transparency:** The right to informational self-determination would not be compatible with a social order and a legal order enabling it, in which citizens can no longer know who knows what, when and on what occasion about them. Anyone who is unsure whether deviant behaviour will be noted at any time and permanently stored, used or passed on as information will try not to attract attention through such behaviour.*

The right to informational self-determination is not identical with the right to protection of personal data [[Tile I.15](#)] and is not congruent with the right to private life [[Tile I.14](#)]. As far as can be seen, it has not yet been recognised in international legal texts.