

Germany's top court reins in state access to online data

July 17 2020



It's too easy for German intelligence services to pull personal data, a court found

Germany's highest court on Friday said security services had too much unfettered access to people's online data and ordered legislation to be revised to set higher hurdles.

German intelligence services and police agencies currently have the right to ask telecom and internet companies for user info ranging from names and birth dates to passwords and IP addresses, to help their investigations in areas like counterterrorism and cyber crime.

But the Constitutional Court in Karlsruhe agreed with complaints brought by privacy activists that the access to data was excessive and an unconstitutional violation of citizens' right to telecoms privacy.

In their ruling, judges said the current powers to retrieve data were "disproportionate".

"It cannot be permissible to indiscriminately request information on data," they said.

Judges said they agreed that intelligence bodies sometimes needed to pull personal data from smartphones or other devices to maintain [public security](#).

But they said this should only be done in cases of "a specific danger" or "an initial suspicion of criminal conduct" in the context of an investigation, and not to facilitate investigators' work "in general".

German legislators have until the end of 2021 to amend the telecommunications law to include "thresholds for the use of these powers".

The ruling comes in response to several lawsuits, including one by Patrick Breyer, an MEP from Germany's Pirate Party that campaigns for internet freedoms.

More than 6,000 people signed a petition backing his complaint.

© 2020 AFP

Citation: Germany's top court reins in state access to online data (2020, July 17) retrieved 9 April 2024 from <https://techxplore.com/news/2020-07-germany-court-reins-state-access.html>

This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is provided for information purposes only.