

CONTENTS

Table of Abbreviations	XIII
Table of Court Names Cited	XVI
Table of Legal Acts Cited	XVII
Introductory Remarks	XXII

Foundations

1. BVerfGE 27, 1	Microcensus - disclosure of personal data for statistical purposes (1969)	1
2. BVerfGE 34, 238	Secret Tape Recordings - admissibility as evidence in criminal proceedings (1973)	6
3. BVerfGE 34, 269	Soraya - damages for false press reports on personal life (1973)	14
4. BVerfGE 49, 286	Transsexuals I - legal sex (1978)	26
5. BVerfGE 54, 148	Eppler - statements falsely attributed to one's person (1980)	34
6. BVerfGE 65, 1	Census - informational self-determination and modern data processing (1983)	41

Self-Determination and Limits to Personal Choice

7. BVerfGE 35, 202	Lebach - prisoner's right to social reintegration (1973)	69
8. BVerfGE 75, 201	Foster Parents - child custody (1987)	86
9. BVerfGE 78, 77	Public Announcement of Legal Incapacitation (1988)	94
10. BVerfGE 117, 71	Life Imprisonment - prospect of release (2006)	100

IX

11. BVerfGE 128, 282	Coercive Treatment in Psychiatric Confinement under Criminal Law (2011)	116
12. BVerfGE 142, 313	Coercive Medical Treatment (2016)	127
13. BVerfGE 153, 182	Assisted Suicide* - right to a self-determined death (2020)	140

Name and Identity

14. BVerfGE 97, 391	Sexual Abuse Allegations - victim's right to state their own name (1998)	166
15. BVerfGE 115, 1	Transsexuals V - change of first name (2005)	175
16. BVerfGE 147, 1	Third Gender Option - civil register entry for intersex persons (2017)	185

Image

17. BVerfGE 87, 334	Honecker - TV broadcasting of criminal proceedings (1992)	196
18. BVerfGE 99, 185	Helnwein/Scientology - imputed group membership (1998)	201
19. BVerfGE 119, 309	TV Broadcasting from the Courtroom (2007)	212
20. BVerfGE 120, 180	Caroline III - celebrities' right to their image (2008)	222

Speech

21. BVerfGE 63, 131	Right of Reply - right to defend oneself against negative media portrayals (1983)	242
22. BVerfGE 114, 339	Stolpe/Stasi Dispute - injunctive relief against ambiguous defamatory statements (2005)	250
23. BVerfGE 119, 1	Esra - prohibition of a literary work (2007)	262

Privacy and Intimacy

24. BVerfGE 80, 367	Diary-Like Notes - admissibility as evidence in criminal proceedings (1989)	289
25. BVerfGE 90, 255	Monitoring of Correspondence - screening of prisoners' personal mail (1994)	300
26. BVerfGE 109, 279	Surveillance of Private Homes - inviolable core of private life (2004)	307
27. BVerfGE 128, 109	Transsexuals VIII - no surgery requirement (2011)	338
28. BVerfGE 138, 377	False Paternity - former legal father's right to information (2015)	350

Health Data

29. BVerfGE 44, 353	Addiction Counselling Agency - seizure of client records (1977)	358
30. BVerfGE 89, 69	Mandatory Medical-Psychological Assessment - conditions for retaining driving licence (1993)	367
31. BVerfGE 103, 21	DNA Fingerprinting - databases of DNA profiles (2000)	376

Data Protection and Virtual Identity

32. BVerfGE 27, 344	Divorce Files - sharing personal data in disciplinary proceedings (1970)	388
33. BVerfGE 56, 37	Bankruptcy Proceedings - compulsory disclosure (1981)	393
34. BVerfGE 113, 29	Seizure of Electronic Data - search warrant for entirety of law firm's hardware and files (2005)	401
35. BVerfGE 152, 152	Right to Be Forgotten I* - name searches in online press archives (2019)	415
36. BVerfGE 152, 216	Right to Be Forgotten II* - claim for dereferencing against search engine operator (2019)	438

Informational Self-Determination and Security

37. BVerfGE 100, 313	The Article 10 Act - telecommunications surveillance by intelligence services (1999)	455
38. BVerfGE 115, 166	Telecommunications Surveillance - covert investigation of a judge (2006)	483
39. BVerfGE 115, 320	Profiling - electronic databases for profiling and searches (2006)	506
40. BVerfGE 120, 274	Remote Searches - covert searches of private computers (2008)	534
41. BVerfGE 125, 260	Data Retention - service providers' obligation to retain telecommunications traffic data (2010)	565
42. BVerfGE 129, 208	The Telecommunications Surveillance Revision Act (2011)	606
43. BVerfGE 133, 277	Counter-Terrorism Database Act I - sharing of data between police and intelligence services in a joint security database (2013)	626
44. BVerfGE 141, 220	The Federal Criminal Police Office Act - counter-terrorism surveillance powers (2016)	662
45. BVerfGE 154, 152	Surveillance of Foreign Telecommunications* - Federal Intelligence Service's powers to intercept communications of foreigners abroad (2020)	712
Appendix - Basic Law of the Federal Republic of Germany		762
Index		851