

Harry – gefangen in der Zeit

Culture and society

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Whenever Harry surfs the internet, he will inevitably encounter an important right: data privacy. Everyone should be able to decide who can access their personal data. Data protection is a fundamental right all over the world. In the European Union, the protection of personal data is codified in the Charter of Fundamental Rights of the European Union. Harry, for example, would have no chance of finding Professor Zweistein's address on the internet – unless Zweistein approved. Even a potential violation of this right can spark fierce criticism in Germany.

This was seen, for example, in the data retention issue. The EU imposed a Europe-wide obligation to store electronic communication data in 2006. The goal is for states to be able to track citizens' contacts six months in the past in order to solve serious crimes. This innovation sparked the largest class action lawsuit in German judicial history. Almost 35,000 citizens filed a lawsuit against the mass data collection policy. Germany's first data retention law was declared unconstitutional by the Federal Constitutional Court in 2010. In 2015, the law was amended.

However, the debate over data retention has continued at the EU level. The European Court of Justice ruled that the European Data Retention Directive violated the EU's Fundamental Rights Charter. The European Court of Justice ruled in 2022 that the toned-down German regulation was also illegal. According to the court, all citizens' communications data may only be stored if there is a specific reason. Even after all this, data protection remains a contentious issue in Germany and the European Union