CONTROLLING THE DISSEMINATION OF PERSONAL INFORMATION VIA THE INTERNET IN GERMANY ON THE BASIS OF THE DOGMA OF CRIMINAL LAW

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Abstract: *In the article the author focuses on the question of the dissemination of personal information on the Internet in Germany and its control. The Internet allows access to information on an unimaginable scale and consequently makes everyday life much easier – yet this abundance of information also brings with it a great many problems. Not only is it by no means easy for inexperienced users to find answers to more complex questions, but the truth of the information is difficult to ascertain on the Internet, which is focussed on the equality of rights of the information seekers and which provides only a small number of filter functions. This not only has negative consequences for the individual when he or she is given incorrect information, but also when he or she is told lies. In these cases the autonomy of the Internet reaches its limit – there are hardly any filter functions as far as the publication of adverse statements through third parties are concerned. However, criminal law may possibly offer a starting point for fighting these developments, or may at least provide the person concerned with the means to prevent the public dissemination of information. It is conceivable that some of the procedures adopted are punishable as invasions of privacy, according to §201a of the Penal Code (StGB), for example. Moreover, punishable offences could exist because of offences within the meaning of §§ 185 ff. of the Penal Code. This is not a question of the Internet reinforcing the punishable offence but the fact is that many traditional punishable offences can also be found on the Internet, which many users do not know of or do not appear to be aware of. This will be explained in the following and will be analysed to determine whether the legal interests are adequately protected.*

Keywords: *criminal law, law of criminal procedure, Internet criminality, violations of privacy, personal information, computer and Internet criminal law*

INTRODUCTION

The Internet provides access to information on an unimaginable scale and consequently makes everyday life much easier – yet this abundance of information also brings with it a great many problems. Not only is it by no means easy for inexperienced users to find answers to more complex questions, but the truth of the information is difficult to ascertain on the Internet, which is focussed on the equality of rights of the information seekers and which provides only a small number of filter functions. This not only has negative consequences for the individual when he or she is given incorrect information, but also when he or she is told lies.[1]

Yet even the publication of relevant, but private information or personal opinions on the Internet can harm the individual in terms of his or her objects of legal protection. For example, the public evaluation[2] or even mockery of teachers often borders on bullying, as does the publication of videos of excessive demands. Neighbours or ex-partners are subjected to defamation of character in front of a world audience. Occasionally it is not

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[1] HERCZEG, J., HILGENDORF, E., GŘIVNA, T. *Internetkriminalität und die neuen Herausforderungen der Informationsgesellschaft des 21. Jahrhundert.* Praha: Wolters Kluwer ČR, 2010, p. 58.

[2] Judgement of the Federal Supreme Court of 23.06.2009, File reference VI ZR 196/08.

just malicious intent that is behind the broadcasting of negative information and facts – it can create difficulties for the person concerned if embarrassing photographs are made public on social networks are discovered by an employer, for example.

In these cases the autonomy of the Internet reaches its limit – there are hardly any filter functions[3] as far as the publication of adverse statements through third parties are concerned. However, criminal law may possibly offer a starting point for fighting these developments, or may at least provide the person concerned with the means to prevent the public dissemination of information. It is conceivable that some of the procedures adopted are punishable[4] as invasions of privacy, according to § 201a of the German Penal Code (StGB), for example. Moreover, punishable offences could exist because of offences within the meaning of §§ 185 ff. of the Penal Code[5]. This is not a question of the Internet reinforcing the punishable offence but the fact is that many traditional punishable offences can also be found on the Internet, which many users do not know of or do not appear to be aware of. This will be explained in the following and will be analysed to determine whether the legal interests are adequately protected.

PUNISHMENT FOR INVASION OF PRIVACY

Consideration is given primarily, in the context of the publication of private information, to punishment for the infringement of the confidentiality of the word according to § 201 of the StGB. According to this provision it is prohibited to make sound recordings without authorisation, para. 1, no. 1, or to use such sound recordings or make them available to other people, para. 1, no. 2. What is protected is the non-public, i.e. the word[6] that is not perceptible beyond a small group of persons limited by personal or business relationships. All cases in which a home tape recording or even a video recording with sound, which actually records statements in front of a small group, are therefore covered by the standard, put onto the Internet and made available to the public. This also includes teaching in front of a class. The characteristic "unauthorised" means, in this context, merely that the perpetrator must act illegally, i.e. in particular without legal permission[7], in particular, or without the (alleged) consent of the speaker[8].

For publication on the Internet it is of particular relevance that it also a punishable offence to divulge to the public a word of another person recorded or heard without autho-

[3] MÜNCH, I. *Grundgesetz. Kommentar*. 5. Auflage, München: C. H. Beck, 2000, p. 568.

[4] NEUBACHER, F. *Kriminologische Grundlagen einer internationalen Strafgerichtsbarkeit*. Tübingen: Mohr Siebeck Verlag, 2005, p. 126.

[5] A comprehensive overview of computer and Internet criminal law. Cf. HILGENDORF, E., FRANK, T., VALERIUMS, B. *Computer- und Internetstrafrecht: ein Grundriss*. Berlin: Springer-Verlag, 2012, p. 182.

[6] Confidentiality in the narrower sense is not therefore assumed, it is sufficient for the statements not be addressed to the public, i.e. the speaker does not what he or she states to be heard by the general public, and if this a realistic wish, depending on the particular nature of the discussion, this condition is met. HILGENDORF, E., VALERIUS, B. *Computer- und Internetstrafrecht*. Berlin: Springer-Verlag, 2012, p. 254.

[7] KÜHL, K. *Strafgesetzbuch. Kommentar*. 26. Auflage. München: C. H. Beck 2007, p. 1458; a justification is given particular consideration in §§ 100a, 100b, 100c ff. of the Penal Code.

[8] FISCHER, T., TRÖNDLE, H. *Strafgesetzbuch und Nebengesetze*. Komentar. 52., neu bearbeitete Auflage. München: C. H. Beck, 2004, p. 1462; the characteristic and hence the objection to it by a doctor, are categorised as exclusion from the facts of the case.

risation according to the wording or its essential content, § 201, para., 2, no. 2 of the Penal Code; this only applies, however, if the public message is capable of harming the legitimate interests of another person[9] The trivial clause is intended to remove messages with the most succinct content from the possibility of punishment but at the same time opens up the possibility of something of a judicial evaluation in the individual case and makes for a certain degree of legal uncertainty. It is the very dissemination of the content of non-public, recorded or intercepted statements on the Internet that can be extremely problematic in a great many constellations because this kind of publication leads to situation where the information is available to all users for a long time. Here the court should generally assume that the legitimate interests of the injured party are impaired thereby. In this case the fact that such impairments must not be possible but it is sufficient, according to the wording, for the message to be capable of harming interests, plays a part – this is case at any rate if contents of messages are capable of exposing the injured party.

Also punishable is the publication of banned, and in particular secrete photographs from the private domain, § 201a of the Penal Code. It is clear from the actual wording that protection is only afforded people who are in an apartment or in a room specially protected from prying eyes. This includes any pictures which of people in their own apartments, in changing room booths, toilets etc. In this case both the production and use or making these pictures available is a punishable offence, particularly their publication on the Internet. Pictures which are taken in public do not fall into this regulation. What is questionable is how photographs of private celebrations, or within a circle of friends or acquaintances taking place in apartments should be evaluated. Here too it is conceivable that for negative pictures to be published of a person – possibly via social networks, often associated with his or her name, or even linked to his or her own profile.

Consideration must be given to the fact that the regulation only covers unauthorised photographs, where the characteristic "unauthorised" must be interpreted as set out in § 201 of the Penal Code, i.e. any (alleged) consent excludes a punishable offence. If the photograph was taken and the person photographed at a party etc. did not point out that he or she did not agree to the photograph being taken, conclusive consent must generally be assumed.

However, it must be borne in mind that consent to the photograph being taken does not necessarily imply consent to its publication on the Internet. In these cases a punishable offence according to § 201a, para. 3 of the Penal Code is considered. In this case the taking of photographs must knowingly be made available to third parties without authorisation, i.e. in this case lack of authorisation must be regarded as a criterion.[10] This may arise from the lack of (at least a conclusive) declaration of agreement or also from the purpose of the action if a picture is made available to third parties out of revenge or with the intention of causing detriment[11]. In this respect there is definitely a considerable risk that

[9] The protection of Privacy in Criminal Law: SCHÖNKE, A., SCHRÖDER., H. *Strafgesetzbuch. Kommentar.* 27. Auflage. München: C. H. Beck 2006, p. 1234.

[10] JOECKS, W., MIEBACH, K. *Münchener Kommentar zum Strafgesetzbuch.* Band 2/2: §§ 80 -184f StGB. München: C. H. Beck, 2005, p. 969.

[11] RUDOLPHI, H. J. et al. *Systematischer Kommentar zum Strafgesetzbuch.* Band II. Besonderer Teil (§§ 80-358). 7. neubearbeitete Auflage. München: Luchterhand, 2004, p. 65.

the unauthorised publication of photographs on the Internet would be considered a punishable offence.

It must be borne in mind that the facts of the case, relating to the object of protection, "privacy", are limited to violations of extremely personal private life. This means that for all the alternative situations covered by the regulation the picture must relate to this particular aspect of life, or pictures from this aspect of life must be used in an abusive manner that could not be predicted by the victim at the time they were taken, by their being passed on to third parties. Whether this is applies must be determined in each individual case – and must be developed in practice by the issue of casuistic catalogues of parts of the body, performances and embarrassments, that must be categorised as being of an extremely personal nature. In particular, if the cameras were secretly installed, it seems unreasonable to impose excessively stringent demands on this fact because it cannot be ascertained why such secret photographs would violate privacy any less than secrete tape recordings or interceptions.

Another considerable risk of a punishable offence in publishing photographs showing other people on the Internet is also often misjudged. For in addition to the German Penal Code, the Art Copyright Act also applies here[12]. § 22 of this Act states that portraits or images which fall under the scope of the Art Copyright Act[13] (ACA) may only be distributed or put on public show with the consent of the person portrayed. Any infringement of this principle is punishable according to § 33 of the ACA. This lesser penalty also applies to any Internet publication of photographs showing other people if no consent has been given, even if privacy is not affected. However, this only applies conditionally to social networks because general consent is normally declared when a person joins these networks, and because of registering photographs or removing links to one's own profile. Nevertheless there is still a considerable risk of committing a criminal offence among many Internet users, who are unaware of this situation.

Moreover, an infringement of privacy of correspondence, according to § 202 of the Penal Code, is taken into consideration – but this only relates to the impermissible obtaining of knowledge of letters or items of correspondence. Emails are not covered by the text of the regulation, and a reference to § 11, para. 3 of the Penal Code, in which correspondence is equated with data, is not made in the regulation. The reading and publishing of external Emails may be punishable according to § 202a of the Penal Code, but only if the data are specially protected against unauthorised access, i.e. possibly password protected.

PUNISHMENT FOR VIOLATION OF HONOUR

Although the punishment of slander is criticised in some cases[14], there is no doubt of this in the case of the following statements.[15] There is therefore also the possibility that

[12] Act concerning Copyright on Works of the Fine Arts and Photography, Law (Artistic Copyright Act, RGBl. I p. y).
[13] Exceptions to this are, according to §23 of the ACA.
[14] It must be borne in mind, however, that theoretical debate is significant because fundamental questions of criminal law are discussed on the basis of these crimes. Moreover, practical relevance is not attained exclusively in terms of the number of convictions but also in the realisation of the problem of certain modes of behaviour.
[15] SCHÖNKE, A., SCHRÖDER., H. *Strafgesetzbuch*. Kommentar. 27. Auflage. München: C. H. Beck 2006, p. 1127.

the distribution of information via third parties on the Internet is punishable according to §§ 185ff of the Penal Code.

1. Statements made in Internet forums or in E-mail traffic

Personal attacks are often made in an Internet forum or by E-mail. § 185 of the Penal Code or §§ 186, 187 of the German Penal Code could be involved as a result of a forum statement. First it must be assessed whether an inappropriate statement has been made to third parties according to §§ 186, 187 of the Penal Code that is capable of rendering the person concerned contemptuous or debased in terms of public opinion. This capability must be evaluated in the individual case. Since the identity of the forum user often remains unknown, and because a harsh conversational tone can often be found in some forums, the same statement may justify disrespect in personal contact, but not on the Internet. The same applies to statements of opinion according to § 185 of the Penal Code.[16] The evaluation of the exchange of Emails in criminal law is also unproblematic. Here the use of the Internet rather random and does not affect the evaluation of the statement. It is therefore possible to take statements made in other contexts as a guide.[17]

2. Personal attacks on persons mentioned by name via the Internet

More recent cases of defamatory statements on the Internet available to all users, for example regarding teachers, educationalists or persons in authority mentioned by name, for example, sometimes associated with an evaluation of their performances or presentation of embarrassing video recordings, are more difficult to classify legally. Video montages in which the persons concerned are represented as participants in a porn film or the victim of an execution, take this a major step further. The problem of personal judgement on the Internet was highlighted in the civil judgement of the Supreme Court relating to the web page *"spickmich.de"*. This page was not objected to, but it was also stressed explicitly that this outcome only related to the specific case and that the fundamental question of whether the personal rights can be harmed by such publications is not answered in general terms.[18] In addition to these judgments the situation may also arise where a person's own presence on the Internet is used to represent that person negatively as far as the public is concerned, possibly by means of wall posts or placing unflattering photos on platforms and myspace.com or studivz.net. Pages can also be found on which information is published on someone's private life, negative opinions, private or falsified photos or videos. The legal assessment of this new phenomenon is extremely problematic.

The Internet can be helpful in forming an opinion on products, hotels, music, authors, politicians etc. In many areas these opinions necessarily relate to specific persons or their professional performance, for example in the case of artists, politicians, and even teachers. If the criticism constitutes purely subjective evaluations no punishment

[16] HILGENDORF, E. Tatsachenaussagen und Werturteile im Strafrecht. *Neue Juristische Wochenschrift*. 1995, No. 27, p. 1697.
[17] HILGENDORF, E., FRANK, T., VALERIUMS B. *Computer- und Internetstrafrecht: ein Grundriss*. Berlin: Springer-Verlag, 2012, p. 187.
[18] Judgement of the Supreme Court of 23.06.2009, File ref. VI ZR 196/08.

according to §§ 186, 187 ff. of the Penal Code may be considered because these are expressions of opinion.

§ 185 of the Penal Code may be applicable, however. Since in principle this must be interpreted on a narrow basis, public evaluations such as those on spickmich.de or meinprof.de are not slanderous because they happen to be negative. In civil jurisdiction it has been established, correctly, that: "Exaggerated, unfair or even offensive criticism does not in itself a statement of denigration. It can only be referred to as denigrating if the statement no longer amounts to a discussion of the matter but defamation of the person concerned, who is belittled due to polemic and exaggerated criticism and pilloried, so to speak". This concept is also convincing for the punishment provided for in §§ 185 ff. of the Penal Code as a result of an "a fortiori conclusion". In criminal law it must even be clearly established, to provide the existence of slander, that substantial disrespect is intended to be expressed. This is not the case as long as the defamation is not extensive and does not represent the primary objective. Because the readers of these pages now that the published opinions are subjective and are occasionally also the expression of the frustration of pupils or students, setting the limit on punishment would appear to be plausible.

Cases of negative criticism of neighbours or ex-partners on the Internet are a little difficult. Unlike the constellations just described, what is concerned is not their professional competence but their private life circumstances. This is in any case a process that affects privacy. Although §§ 185 ff of the Penal Code protect the legally protected right of honour, it is an expression of personal worth and is therefore related to personal rights. Public criticism of a private life situation must therefore judged differently from an evaluation of professional skills. Slander is committed when, as in the above cases, there is a question of judging an individual case and the answer tends to be yes, particularly when the person concerned is generally denigrated and public defamation is the deliberate aim.

On the other hand, the evaluation of the publication of untrue assertions of facts, presents no problem in criminal law. If the incorrect fact is capable of rendering the person concerned contemptuous, or of denigrating that person in the public opinion, a punishable offence exists according to § 186 of the Penal Code or § 187 of the penal Code. Here too, regarding the capability of denigration, stress must be placed on the facts relate to privacy or intimacy, whether the person concerned is put in a negative light or his/her reputation is damaged in the public eye. It must also be borne in mind that the qualification according to § 186 Var. 2 of the Penal Code is met with the publication on the Internet.[19]

In the case of the Internet publication of correct, but detrimental statements of fact, §§ 186, 187 of the Penal Code are not applicable. However, a case of slander could exist exceptionally, § 192 of the Penal Code. In certain circumstances the slanderous nature of true information may be confirmed just because of its dissemination via the Internet, for example sexual proclivities, alcohol consumption, etc. The same applies to photographs or videos; one only has to think of the innumerable pornographic images of former videos or videos of outbreaks of rage of teachers. If the publications relate to areas of privacy or intimacy, the general public using the Internet has no relationship with the privacy of

[19] NEUMANN, U., PUPPE, I., SCHILD, W. *Nomos Kommentar zum Strafgesetzbuch*. Band 3. Baden-Baden: Nomos Verlaggesellschaft, 1995, p. 1343.

these publications. First of all this obviously represents a violation of personal rights, and this being so, reference could be made to the punishable offences according to §§ 201 ff of the Penal code, which are analysed above and are conclusive in principle.[20] On the other hand, however, the very publication of intimate, possibly sexual details assumes the nature of "pillorying". The anonymous dissemination on the Internet lowers the threshold of inhibitions and increases the risk that such information is being published without consideration. In this case a punishable offence according to § 185 of the Penal Code must be said to be present where true facts about the private or intimate life of a person are published anonymously with the obvious intend to defame that person and inflict serious damage to the reputation of a person or similar detrimental effects.[21]

PUNISHMENT FOR VIOLATING PERSONAL FREEDOM

Behaviour in connection with the dissemination of information on the Internet may also violate the freedom of action and decision-making of individuals. It is often the case, therefore, that publication of information on the Internet is threatened if certain conditions of the person threatening are not met. Such behaviour may be punishable as coercion according to § 240 of the Penal Code if the dissemination of information would represent a considerable detriment to the victim and either the publication is to be regarded as a means and the coercive behaviour as an objective, or if the objective-means relationship is to be considered illegal, § 240, para. 2 of the Penal Code.

If the publication or coercive behaviour has a sexual content, sexual coercion according to § 177 of the Penal Code may also be applicable. For this, however, it is not sufficient merely to threaten publication of information or photographs on the Internet. § 177 of the Penal Code is not complied with if the sexual action was forced upon a person with violence or threat of a present risk to life or limb.

A punishable offence for a threat, according to § 241 of the Penal Code, is also conceivable if there is a threat against a person or someone close to him/her on the Internet. The mere threat is sufficient, actual perpetration of the deed is not necessary. Thus the publication of a video representing the fictitious execution of a teacher, for example, could be a punishable offence a threat of death may be concluded from it in addition to the defamation.

What is relevant to some modes of Internet behaviour is also the recently issued § 238 of the Penal Code, which is intended to cover so-called "stalking" – with the justification that the safety of a person is threatened by the intentional and repeated following and molestation of that person.[22] The rule of law also sanctions the unauthorised pestering (stalking) using means of communication. The persistent contact by Email or SMS, or even in public forums or networks, may fall under the scope of § 238 of the Penal Code – but only if this relates directly to the specific person and the other characteristics, such as persistence and the serious detriment to the life of the person being followed, are complied with.

[20] SCHÖNKE, A., SCHRÖDER, H. *Strafgesetzbuch. Kommentar.* 27. Auflage. München: C. H. Beck, 2006, p. 1127.
[21] RÖHL, M. *Der strafrechtliche Schutz gegen unbefugte Bildaufnahmen.* München: Verlag Dr. Müller, 2008, p. 173.
[22] FISCHER, T., TRÖNDLE, H. *Strafgesetzbuch und Nebengesetze. Komentar*. 52. Auflage. München: C. H. Beck 2004, p. 732.

PUNISHMENT FOR DAMAGE TO PERSONAL ASSETS

Also conceivable, in connection with actions on the Internet, is punishment for extortion. The act of extortion, § 253 of the Penal Code, exists if the extortionist attempts to enrich himself through violence or the threat of a serious harm, i.e. threatens to publish information on the Internet, for example, thereby extorting or forcing actual disposal of property rather than any particular behaviour.[23]

PUNISHMENT FOR DAMAGE TO GENERAL LEGAL ASSETS

In addition, the representation of violence to protect public peace according to § 131 of the Penal Code is prohibited. A representation of violence exists when the representation expresses a glorification of violence or a playing down of violence, or if the cruel or inhuman nature of the process is represented in a manner violating human dignity. Any publications of such representations on the Internet is therefore a punishable offence.

Further punishable offences relating to the dissemination of photographs or videos on the Internet could exist according to § 184 ff. of the Penal Code, which means that making pornographic texts (according to § 11, para. 3 of the Penal Code, including image and sound carriers, etc.) is accordingly also a punishable offence.[24] Protected rights covered by the regulations are youth protection and, in the case of § 184b of the Penal Code, the protection of children from the indirect sponsoring of sexual abuse.

Offences according to § 44, 43, para. 2, nos. 1 and 2 of the Federal Data Protection Act are also considered, but are not discussed in further detail here.[25]

PRACTICAL PROBLEMS OF PUNISHMENT

It is briefly pointed out that in these cases, as with punishable offences in general on the Internet, the problems are often fewer in terms of classification according to criminal law dogma than in terms of practical clarification and prosecution.

If the perpetrator is caught in the act, for example when photographing the teacher or when putting the file on the net, there is no difficulty in providing the evidence.

The evidence of the act or tracking down the perpetrator is more difficult if the statement or the video/photograph is covered on the Net by accident or is put on the website of the victim. If even minor clues to the identity of the perpetrator are given in the statement made or the photograph itself, tracing the perpetrator is in most cases only possible by the appropriate operator of the Internet portal. In this case, however, the problems that are often established and analysed occur in the context of punishable Internet offences. Often incorrect or incomplete data on the person are stored at the portal on registration. The determination

[23] On the debate of the need for this characteristic: ROXIN, C. *Strafrecht. Allgemeiner Teil. Besondere Erscheinungsformen der Straftat.* München: C. H. Beck, 2003, Band II., p. 214.

[24] More details on the dissemination of punishable contents on the Internet. RUDOLPHI, H. J. et al. *Systematischer Kommentar zum Strafgesetzbuch.* Band II. Besonderer Teil (§§ 80-358). 7. neu bearbeitete Auflage. München: Luchterhand, 2004, p. 965.

[25] Decision of the District Court of Marburg 22.10.2007, file reference: 4 Qs 54/07.

of the IP address is in practice an extremely complicated procedure, particularly if the registered office of the operator is located abroad – A rogatory letter is required here, for example, nor is it in any way clear either which law is applicable and the extent to which German authorities can take proceedings against the foreign providers. Moreover, the provisions of the Data Protection Act make obtaining evidence more difficult in terms of the storage of IP addresses by the providers. The clarification and evidence of the perpetration of offences therefore are and remain difficult, particularly as the Internet users concerned very often have a good knowledge of computers and know how to delete their tracks on the Internet or render them unrecognisable. In the case of less serious offences in particular it might well be the case that this may have quite considerable adverse effects on the person concerned.

CONCLUSION

The publication of statements of opinion, information, photographs or video recordings of third parties on the Internet may, according to content, be punishable as a violation of privacy, honour, personal freedom or assets, or of general legally protected rights. Many of these threatening penalties are unknown to the Internet users, which means that a more detailed clarification and greater awareness are required – if a certain deterrent effect is to be achieved. Not only the spreading of awareness of penalties for certain actions but also more vigorous prosecution are required for this.

On the other hand not all cases of negative statements about others on the Internet are covered by criminal law, such as the criticism of professional capabilities or the publication of photographs which were taken with the conclusive consent of the person photographed. The safeguarding of legitimate interests also remains permissible, § 193 of the Penal Code. However, this incompleteness does not necessarily give grounds for criticism but is a reflection of the fragmentary nature of criminal law, which in principle cannot and should not regulate the whole of life.[26]

In the overview provided here it also becomes clear that the actual violations of individual protected rights which, because of their weightiness and negative consequences, appear to be punishable and purely from the dogmatic point of view may be regarded as criminal offences. In some cases consideration might have to be given as to whether qualifications should be created for this practice in certain areas in view of the serious consequences that may arise if information about a person is made to a world audience via the Internet.

One problem in this connection is that many of the statements of fact do not clearly describe the prohibited actions. Instead the limit of criminality is imposed on the basis of vague terms. This results in considerable legal uncertainty because the decision depends ultimately very much on the judge and the circumstances of the individual case. As a result it is even impossible to give the Internet user guidance on rules of conduct.

Also problematic is the fact that the persons concerned are often unable to take countermeasures because of their lack of knowledge, and the practical implementation of prosecution by the authorities and enforcement of the sentence often proves extremely difficult. Work on better practical implementation must be done in this regard.

[26] RÖHL, M. *Der strafrechtliche Schutz gegen unbefugte Bildaufnahmen.* München: Verlag Dr. Müller, 2008, p. 173.