

GERMAN CONSTITUTIONAL COURT: DON'T LET AMERICA SPY ON GERMANS

A number of you have passed me this breaking news from Germany:

Vast amounts of telephone and e-mail data held in Germany must be deleted, the country's highest court has ruled.

The constitutional court overturned a 2008 law requiring communications data to be kept for six months.

The law – designed to combat terrorism and serious crime – required telecoms companies to keep logs of calls, faxes, SMS messages, e-mails and internet use.

But nearly 35,000 Germans lodged complaints against it, arguing that the law violated their right to privacy.

Responding to the thousands of formal complaints, Germany's constitutional court described the law as a "particularly serious infringement of privacy in telecommunications".

Not only will this make it harder for Germany to spy on its own citizens, but it is further resistance, in Europe, to the US demand (embraced equally by the Obama Administration as the Bush Administration) that all communications be accessible for surveillance.

Scribe has a diary over at TalkLeft working from German sources, including the news that this is the biggest class action suit in German history.

The judgment from Karlsruhe concludes (places the period to) the biggest class

action suit in the history to date of the Federal Constitutional Court. Almost 35,000 citizens participated in the complaint against the statute for counterterrorism and crime tracking. Set forth two years ago, together with the statute, was an EU directive under which [t]elephone companies are required to retain and store the connection records of their customers for six months.

Among the plaintiffs, besides [Federal Justice Minister Sabine] Leuthnisser-Schnarrenberger, were further prominent politicians, among them FDP politician Burkhard Hirsch, who was simultaneously a plaintiff and attorney for the group.

The Green politician Volker Beck had, together with more than 40 delegates of their party, joined the complaint.

What a novel concept: thousands of citizens objecting to having their private communications collected and surveilled.

Pity we'll never see such a groundswell here.