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Introduction

This report has been prepared for the members of the Committee of Experts on Human Rights in order to give them an outline of the legislation relating to the right of privacy, as affected by modern scientific and technological developments in the Member States of the Council of Europe.

The document is based on information contained in the Report of the Legal Committee to the Consultative Assembly of 22nd January 1968, (Rapporteur: Mr. Czernetz - doc. 2326). However, it adds information about the most recent developments which are envisaged in the legislation of the Member States, since the Czernetz Report, in so far as this is available to the Secretariat. The information contained herein is not complete and it is hoped that members of the Committee of Experts will be able to supplement it, each as regards the law in his own country.

**Survey of the Law relating to the Right of
Privacy in certain Member States**

I

Constitutional Provisions

Generally, the constitutions in the majority of the Member States of the Council of Europe guarantee three main rights which fall within the right of privacy: the right to the free development of one's personality, subject to the rights of others and to constitutional requirements and morality; the inviolability of a person's home; and the secrecy of correspondence including cable and telephone communications (1). However, it may be doubted whether any of them offer sufficient protection against invasions of the right to privacy by modern scientific and technical devices.

(1) Articles 9 and 10 of the Austrian Basic Law (1867); Article 22 of the Belgian Constitution (1831); Article 72 of the Danish Constitution (1923); Articles 1, 2, 5, 6, 10 and 13 of the Constitution of the Federal Republic of Germany (1949); Articles 12 and 20 of the Greek Constitution (1952); Article 66 of the Icelandic Constitution (1944); Articles 2, 14, 15 and 21 of the Italian Constitution (1948); Article 40 (5) of the Irish Constitution (1937); Article 15 of the Luxembourg Constitution (1868); Article 102 of the Norwegian Constitution (1814); Article 34, paragraphe 4 of the Swiss Federal Constitution (1874); and Articles 15, 16 and 17 of the Turkish Constitution (1961) which provides a specific treatment of privacy under a sub-heading of „protection of individual privacy”.

II

The law relating to the right of privacy

The legislation in the majority of the Member States of the Council of Europe grants a reasonable degree of protection against interception of correspondence including telegrams. As a general rule, however, it does not effectively cover intrusions on privacy by technical devices, although there are some rules and decisions about the use as evidence of information obtained by means which constitute intrusions on privacy by public authorities and/or private persons by eavesdropping or by technical devices.

The law of the majority of the Member States of the Council of Europe will be considered, country by country, including case law and, in particular, recent legislative proposals designed to grant more effective protection against the invasion of the right to privacy.

Austria

Section 310d of the Austrian Penal Act of 1852 amended by an Act of 31st March 1965 concerns the misuse of recording devices.

This article states: -

“He who intentionally uses an instrument for recording or hearing sounds to make an utterance which is not public and not intended for his knowledge known to himself or some other unauthorised person, shall be punished for this gross misdemeanour by strict arrest from six months to one year, or by a fine of up to 500,000 Schillings. The same punishment shall be incurred by one who intentionally, without permission of the speaker, makes the recording of a nonpublic utterance of another person public or accessible to a third person for whom it was not intended.

The deed shall be prosecuted only at the demand of the injured party (1)”.

Furthermore, Article 310 a deals with “Military Intelligence Service for a Foreign State” and Articles 310 b and 310 c are about the disclosure of trade secrets.

Belgium

A. Article 460 of the Belgian Penal Code guarantees the secrecy of the mails. Further provisions concerned with the offence of the violation of the domicile are found in Articles 439-442 of the Belgian Penal Code.

The act of 14th May 1930 concerning *Radio-telegram, -telephones and other Radio-communications* provides rules under its Articles 1 and 2, prohibiting, without authorisation, the installation and operation of radio-communication instruments on Belgian territories, including ships and aeroplanes.

Article 3 of this Act prohibits the receipt, transmission, disclosure and publication or circulation of private conversations by means of radio-electrical devices, *without special*

(1) The Austrian Penal Act of 1852 and 1945 as amended on 31st March 1965. The American Series of Foreign Penal Codes, No. 12, 1966, *New York*.

authorisation, even when there has been a licence in accordance with Article 2 of this Act.

Article 17 provides rules on the violation of secrecy of telecommunications.

B. Recently a draft law aiming to afford protection against the tapping and recording of conversations by technical devices has been submitted to the Attorney General for his opinion. It has not yet been introduced in the parliament as a Bill. The main lines of this draft law are given below:

Article 1. Anyone who:

1. Suppresses wilfully a communication confided to him;
2. Opens a sealed message or obtains knowledge about its contents by means of a technical device, without the consent of the person to whom it has been addressed or in whom the right of disposition exists;
3. Listens or registers a private conversation by means of technical devices, without having the consent of the participants in this conversation;
4. Observes persons in a private place by technical means and without their consent and photographs them
– shall be punished with from eight days up to one year's imprisonment and a fine of

Article 2. This Article gives rules on the acts of divulgence of the infractions mentioned in *Article 1*.

Article 3. This Article does not, however, apply the rules provided in the previous two articles to persons who have listened to or registered communications by means of devices installed by the telegraph and telephone administrations.

Article 4. The King may establish rules for regulating the purchase, buying, custody, transfer, production, importation, exportation and transport of these devices, by means of which the above-mentioned infractions might be committed.

He may equally regulate the placing of these devices and the use of publicity concerning them.

Article 7. This Article lists the officials competent to investigate and ascertain the infractions provided for in the previous articles; *Article 8* provides rules on the limits of their authority in accomplishing their duties mentioned in *Article 7*.

Denmark

A. *Article 263, paragraph 1 of the Danish Penal Code* contains general rules on opening closed mail and interception of communications. In practice, this provision has been used, by analogy, for bugging. Interception of telephone conversations, even for obtaining evidence, may be carried out only with the authorisation of the Court (1).

B. Since the end of 1967, the parliament has set up a committee to examine the problems relating to the protection of privacy (2).

France

A. According to *Article 187 of the French Penal Code*, the suppression of correspondence of any kind is punishable. By a Statute of 1850, this was extended to telegrams.

Recently, the courts have recognised the individuals' right to protection of his privacy (3) and have also agreed that a person who suffers interference with his privacy (especially in cases

of defamation) (1) is entitled to have "the publication which published the offending documents or texts seized, provided that the matter is urgent and that such seizure can, to the extent possible, limit the damage which may have been caused by the publications" (2).

On the other hand, French courts usually consider evidence obtained by interception of eavesdropping methods as an indication of guilt, but not as proof (3).

B. A draft Bill concerning the trade in, and the use of, technical devices designed to invade privacy is under study in the competent ministries.

Federal Republic of Germany

A. The German Penal Code strictly forbids the interception of telecommunications. The relevant provisions are found in *Articles 298 and 353 d of the German Penal Code*, which are introduced by a recent law on "the penal protection against misuse of recording and eavesdropping devices" (*Gesetz zum strafrechtlichen Schutz gegen den Missbrauch von Tonaufnahme – und Abhörgeräten*) (4).

According to Article 298:

"Any person who listens without authorisation to another's private conversation by means of a listening device or makes a recording of another's private conversation, thus interfering with the privacy of that person, shall be punished with up to six months imprisonment."

In more serious cases, the punishment shall be from six months to five years imprisonment. More serious cases exist when the perpetrator gains from the act, or acts from a desire to gain or with the intention of enriching himself or another.

Article 353d states:

1. An official or former official who without authority discloses a secret entrusted or accessible to him in the exercise of his official duties, shall be punished by imprisonment.

2. Similarly an official or former official who, without authority, reveals words spoken in private by another which with or without authority have been recorded or heard with a listening device, shall be liable to the same penalty.

The prohibition of the interception of telecommunications is based on *Article 10 of the Basic Law*. This Article has, however, recently been amended so as to allow examination of mails and tapping of telecommunications by lawfully authorised bodies in cases of emergency. This "Law for limiting the Secrecy of Mail and Telecommunications: Law to Article 10 of the Basic Law" (*Gesetz zur Beschränkung des Brief-, Post- und Fernmeldegeheimnisses: Gesetz zu Artikel 10 des Grundgesetzes*) came into force on 1st November 1968 (5). It is the first law passed under the *Emergency Law* (*Notstandsgesetz*) of 24th June 1968 to limit the fundamental freedoms of the Basic Law.

Under Article 12 of the *Law of Postal Services and other Communications*, the Public Prosecutor may ask the Post Office to give information only about a conversation which has already taken place and which has been recorded subject, however, to specific conditions.

According to German law, material obtained by recording and/or interception of communications may not be used as evidence in the courts. The Court may consider evidence obtained by such unlawful practices only in the case of self-defence (*Notwehr*) for example, recording of telephone

(1) Cf. for recent decisions, *Picasso v. Calman-Levy* (*Gazette du Palais* 1965 – 187) and *Günther Sachs v. Soc. Presse Office* (*JPC*; 1966, p. 319).

(2) *Dalloz-Sirey*, 1965, p. 114.

(3) Cf. *C. Paris*, 28th March 1960, *Gaz. Pal.* 1960.2.253; *Trib. corr. Seine*, 30.10.64, *Gaz. Pal.* 1964.2.410.

(4) Cf. *Heinemann, G. W.* *Der Schutz der Privatsphäre in der Bundesrepublik Deutschland*, in: *Bulletin des Presse und Informationsamtes der Bundesregierung*, Bonn, 1.2.1968, pp. 97–98.

(5) Cf. *Bundesgesetzblatt*, No. 57, 15th August 1968.

(1) Code of Penal Procedure, Section 750 (a).

(2) *Bulletin of Legal Developments*, prepared by the British Institute of International and Comparative Law, No. 7, p. 56, 1968, London.

(3) *Court of Appeal in Paris*, Judgment of 17th March 1967. "Every individual has the right to this privacy and is entitled to obtain protection for it. The individual alone has the right to determine the bounds of what may or may not be published about his personal life, and the circumstances and conditions in which such publications may take place".

conversations by blackmailers or photographing of „peeping toms” (1).

This view is supported by the German Penal Law Authorities: accordingly, to obtain evidence by eavesdropping on a person should be considered as inadmissible evidence (2). Generally, the admissibility of telephone intercepts or the recording of conversations or sounds falls within the field of the protection of the “rights of the personality” (3).

B. In Germany several legislative attempts have been made to reform the laws relating to the right to privacy, the more important among these being:

(1) the Government Bill introduced in 1959 (4) – on *Entwurf eines Gesetzes zur Neuordnung des zivilrechtlichen Persönlichkeitsrechts und -Ehrenschatzes* (draft of a law to reform the civil law relating to the rights of the personality and the protection of honour) – to bring about complete statutory protection of privacy.

Paragraph 18 of this Bill, which is not yet in force, deals with unauthorised recording, and *paragraph 19* with eavesdropping, in any form.

(2) Title 7 of the German Draft Penal Code, E. 1962 (not yet in force) is formulated especially for the protection of the right of privacy. This new section provides a guarantee of this right and also against telephone interception and other means of eavesdropping, particularly by technical means. Consideration is given to the various methods of eavesdropping developed through technical progress (5). Due to its importance, provisions relating to this field in the *Draft German Penal Code of 1962* (E. 1962) are given below:

Article 183.

Eavesdropping

(1) Anybody who:

1. makes a recording of another's private conversation without his consent, or

2. uses or makes such a recording available to a third person, shall be punished with imprisonment up to one year, penal custody or a fine.

(2) Anybody who listens in by means of a listening device to another's private conversation not intended for his knowledge, without the other's consent, shall be similarly punished.

(3) Paragraphs 1 and 2 are not to be applied to acts which, reasonably interpreted, particularly in view of the motives and objects of the perpetrator and of the relations between him and the other, are to be tolerated.

(4) An attempt is punishable.

(5) In specially aggravated cases the punishment shall be imprisonment of from three months to three years. As a rule, a specially aggravated case exists if the perpetrator acts for gain or with intent to enrich either himself or another or injure another.

(6) The act shall be prosecuted only upon complaint. If the victim dies, the right of complaint shall pass to his relatives under Article 121, paragraph 2. If the act is committed after the death of the victim, Article 180, paragraph 2, sentence 1, shall apply accordingly.

(1) NJW, 1965, 2095; NJW, 1962, p. 782 and BGH St. 14, 339; NJW, 1960, 1582 (this last case refers to a conversation which was recorded without the consent of the persons concerned). See also NJW, 1965, 1678.

(2) Verhandlungen des 46. deutschen Juristentages, Essen 1966 Band IX, Teil 3A, Beweisverbote im Strafprozess; K. Peters in „Verhandlungen” pp. 162 ff. 1966.

(3) See BGH St. 14, 358; W. Habscheid, Das Persönlichkeitsrecht als Schranke der Wahrheitsfindung im Prozessrecht in: Gedächtnisschrift Hans Peters, Springer Verlag, 1967, pp. 840-874.

(4) Deutscher Bundestag, 3. Wahlperiode, Drucksache 1237.

(5) On the basis of the principle provided for in Article 183 of the Draft Penal Code of 1962, a new Law on the penal protection against misuse of recording and eavesdropping devices (Gesetz zum strafrechtlichen Schutz gegen den Missbrauch von Tonaufnahme- und Abhörgeräten) was enacted at the end of 1967 (see above).

Article 184

Obtaining Knowledge of Confidential Communications

(1) Anybody who, without the consent of the person in whom the right of disposition exists:

1. opens a sealed letter or other sealed writing not intended for his knowledge, or

2. by using some mechanical contrivance obtains knowledge of the contents of such writing without breaking the seal, shall be punished with imprisonment up to one year, penal custody or a fine, if the act is not punishable as violating secrecy of the mails and telecommunications (Article 472).

(2) Anybody who, without the consent of the person having the right of disposition, obtains knowledge of the contents of a communication not intended for his knowledge which is specially protected against cognisance by a closed container, after having opened the container for such purpose, shall be similarly punished.

(3) The act shall be prosecuted only upon complaint. If the victim dies, the right of complaint shall pass to his relatives under Article 121, paragraph 2.

(3) *Another Bill*, tabled in the Bundestag, on 19th April 1967 aims to prohibit the commercial manufacture, sale and import of listening devices. Contraventions shall be punished. Special authorisation for specified purposes (e.g. scientific) is, however, provided for (1).

Ireland

Interception of postal communications, telegrams and telephone messages can be made on the authority of the Minister for Justice in exercise of a long-standing power, the existence of which is recognised in *S. 56 of the Post Office Act, 1908*. Each warrant is issued on the personal authority of the Minister for Justice, who only gives the warrant where it is required for security purposes or for the prevention or detection of serious crime, to obtain information which could not be obtained in any other way.

S. 56 of the Post Office Act, 1908, makes it an offence for an officer of the Post Office to interfere with a postal packet, but provides that:

“Nothing in this Section shall extend . . . to the opening or detaining or delaying of a postal packet . . . in obedience to an express warrant in writing under the hand of a Secretary of State.”

This executive power was supplemented during the Second World War by *S. 2 (2) of the Emergency Powers Act, 1939* which enabled the Government to:

“authorise and provide for the censorship, restriction, control or partial or complete suspension of communication by means of all or one or more of the services maintained or controlled by the Ministers for Posts and Telegraphs”.

This Act expired in 1946 (2).

Italy

Articles 616, 617 and 618 of the Italian Penal Code of 1930 guarantee the right to privacy and secrecy of all kinds of correspondence including telegraphic and telephonic communications.

Under Italian Procedural Law, the secrecy of telephone communications may be violated for the purposes of preliminary investigation (3).

(1) Bundestagsdrucksache V/1643.

(2) J. M. Kelly, *Fundamental Rights in Irish Law*, 2nd Edition, 1967, Dublin, pp. 139-41.

(3) For literature on Italian Procedural Law in the field of admissibility of evidence obtained by tape recording and wire-tapping and other electronic devices, see: G. Vasalli, „Der strafrechtliche Schutz der Persönlichkeitssphäre im technischen Zeitalter”, in: *ZStW*, 74, 1962, pp. 474; Cordero (Prove illecite nel processo penale) in: — *Rivista, it. dir. proc. pen.* 1961, 32 ff.

According to *Article 339* of the Italian Procedural Law, the Judge may listen to telephone conversations personally or may authorise a police officer to listen to them. Similar provisions authorising eavesdropping by police officers exist under *Article 226, paragraphs 3 and 4 of the Code of Penal Procedure*.

Netherlands

Three different legislative proposals have been made recently in the Netherlands aiming to introduce adequate protection against invasions of the right to privacy by technical devices.

(1) A Bill was submitted to the Parliament on 31st October 1966, No. 8911 on the inviolability of the secrecy of telephone conversations;

(2) Another Bill of 4th December 1967, No. 9419, was submitted to the States-General on the tapping and recording of conversations by technical appliances.

According to this Bill it shall be prohibited:

– to listen in to a conversation, otherwise than with the consent of the parties concerned, by means of a technical appliance;

– or to record such a conversation by means of a technical device, unless one is a party to it or has been ordered to do so by such a party.

The Bill makes a distinction between conversations held in a dwelling, enclosed space or premises, and conversations held elsewhere. The tapping and/or recording of conversations held in a dwelling, enclosed space or premises need not be done secretly to constitute a punishable offence.

Other punishable offences, regardless of where the conversation takes place are:

– the installation of a technical device in any place for the purpose of illegally tapping or recording a conversation;

– passing on knowledge acquired through illegal tapping or recording.

The prohibition does not apply to:

1. tapping and recording telephone conversations (this is regulated in the Bill providing for the protection of telephone privacy);

2. tapping or recording in the interests of State security on the instructions of the Ministers concerned;

3. tapping or recording conversations conducted in a dwelling, enclosed space or premises by means of a technical device, installed on the instructions of the tenant of the dwelling, enclosed space or premises. (This would comprise such devices as sound and calling apparatus, intercommunications devices, house telephone).

This exception shall not apply:

(a) if the device has been installed secretly;

(b) in the event of obvious abuse.

The Government does not consider it necessary, at the present time, to make an exception for tapping as a means to detect punishable offences.

The penal provisions do not extend to the trade in tapping devices, since the practical disadvantages of such provisions would be insurmountable. For all devices that could be used for illegal tapping or recording could also be used for other, wholly acceptable purposes ("babyphones", stethoscopes, hearing aids, etc.).

However, the Bill does not ⁽¹⁾ contain a penal clause prohibiting advertisements in which emphasis is laid on the suitability of the object advertised for secretly tapping and recording conversations.

(3) Another draft Law (No. 9649) aiming at protecting people against damages caused by photographs taken in private

places has recently been submitted to the parliament. According to this Bill, to take such photographs will be an offence, if they are obtained by technical means.

Norway

Article 145 (a) of the Norwegian Penal Code provides explicit rules against telephone tapping. According to this Article, it is punishable to listen to conversations by means of a secret eavesdropping device. This applies not only to telephone conversations but also to any conversations between other people and any deliberations at a private meeting in which the person who listens does not participate. It is also punishable to put recording apparatus or any other technical device in a place to which a person has "gained admission by false pretences or by sneaking".

Evidence obtained by unlawful practices can be used in the courts only during time of war against persons who are accused of espionage or similar political offences.

Thus, in Norway, the interception of telephone conversations in order to gather evidence for criminal proceedings is permitted, but only with the authorisation of the court and in very limited conditions ⁽¹⁾. Similar provisions exist in the Danish and Swedish Codes of Penal Procedure.

Sweden

A. *Chapter 4, Section 8 of the Penal Code of 1962* provides in very broad terms as follows:

"Any person who unlawfully seizes or intercepts a message, whether contained in a letter, cable or other telecommunication, which is being transmitted by a public agency, shall be punished for breach of telephone and postal secrecy. This rule, however, applies more or less to the employees of the public telecommunications and postal services.

Section 9 of this Chapter contains a more general provision, which prohibits any opening of a letter, cable or any other object under seal or lock.

B. The Swedish Minister of Justice appointed a Royal Commission in 1960 to which was entrusted the task of studying legislative proposals concerning, primarily, wire-tapping and eavesdropping devices.

Switzerland

The Federal Council passed a Bill on 21st February 1968 (*Verstärkung des strafrechtlichen Schutzes des persönlichen Geheimbereichs*) on the strengthening of the penal protection of privacy "personal intimate sphere", which aims to insert in *Part III of the Penal Code* four new articles.

According to this Bill, the following acts will be punishable:

1. listening in or recording the private conversation of another person by tapping (*Article 179bis, paragraph 1*);

2. the secret recording of a private conversation by means of a recording device (*Article 179ter, paragraph 1*);

3. the observation or photographing of facts of an "intimate sphere" (this phrase has later been replaced by "private sphere") of another person by means of a hidden optical device or camera (*Article 179 quater, paragraph 1*);

4. the evaluation or use of facts which have been made known as a result of the punishable acts of listening in or recording of conversations or the utilisation of a camera; it is equally punishable to make known such facts to third parties (*Articles 179 bis, paragraph 2, Article 179 ter, paragraph 2 and Article 179 quater, paragraph 2*);

5. the possession of and making available to third parties of recordings and photographs which have been obtained in a punishable manner (*Article 179 bis, paragraph 3, Article 179 ter, paragraph 2 and Article 179 quater, paragraph 3*); and

⁽¹⁾ Het woord „not" is kennelijk ten gevolge van een vergissing in de tekst opgenomen; het behoort niet gelezen te worden.

⁽¹⁾ Cf. Andenaes, J., *Beweisverbote im Strafprozess nordischer Länder*, in „Verhandlungen" 1966, pp. 23 ff.

6. the distribution and advertising of listening, recording and photographic devices (and their accessories) which might be used to effect punishable intrusions of personal privacy (Article 179 *sexies*).

Article 179 *quinquies* lists the exceptions to the previous provisions. It is punishable to listen to, or record, conversations by means of devices which have been installed without the authorisation of the PTT administrations and by means of radio-electrical devices.

The acts referred to in the above provisions will be prosecuted only on complaint.

United Kingdom

A. In England it is only permissible by order of the Home Secretary to listen to and record telephone communications (1).

According to a circular from the Home Office to Scotland Yard in 1951, an order to listen to communications may be possible under three conditions:

- (i) in case of a real danger to national security;
- (ii) for disclosure of tax and customs evasion;
- (iii) in case it is impossible to secure evidence by normal police methods and when as a result of hearing the communications it is probable that the accused may be sentenced.

The practice of using "bugging devices" for crime detection has been growing in the United Kingdom. The following examples are given.

In 1959, in Newcastle, as a result of producing in court a secretly-recorded conversation, a man was found guilty of assault. In 1966, the Bradford police used a "bug" in a murder investigation. In 1967, the police in Hackney used a "bug" to secure evidence against a Council employee accused of corruption.

It has been suggested that it should be permissible for "bugs" to be used by the police, but subject to the same restrictions as telephone tapping. However, experience with telephone tapping suggests that the definition of serious crime has been too broad (2).

Furthermore, recordings of conversations obtained through telephone tapping by private individuals have been held to be admissible in criminal proceedings. "Even if the Crown has given assurance in Parliament about telephone tapping by the police and security services, these bind only these bodies." (1).

In another case in Newbury, Berkshire, two members of a private detective agency were fined for planting an electronic transmitter surreptitiously in an industrialist's telephone (2). This case has brought to light a comparatively recent development of bugging practice used for purposes of industrial espionage.

B. In June 1967, the Government asked a Commission of Privy Councillors to make a report "upon the exercise by the Secretary of State of the executive power to intercept communications, and, in particular, under what authority, to what extent and for what purposes this power has been exercised and to what use information so obtained has been put and to recommend whether, how and subject to what safeguards, this power should be exercised and in what circumstances information obtained by such means should be properly used or disclosed" (3). This report was submitted to Parliament in 1957.

An attempt to safeguard privacy by legislation was made by Lord Mancroft, who introduced in the House of Lords in 1961, a "right of privacy Bill" which was concerned mainly with disclosure cases, publicity by newspaper, cinema, television and radio (4). This was withdrawn because there was not sufficient support. In 1967, Mr. Bessell introduced a new Bill (5) in the House of Commons which would make it an offence "to attach without the consent of the subscriber to a telephone or any component thereof installed by the General Post Office, or to any line or component connecting the telephone to a telephone exchange of the General Post Office, any mechanical or other device for the purpose of intercepting, monitoring or recording a telephone conversation".

Besides these parliamentary attempts, however, there does not seem to be in English law at present any really effective way of protecting the right of privacy against modern technical devices. There is no guarantee against telephone interceptions and wire tapping.

(1) See M. Grünhut, „Persönlichkeitssphäre im engl. und amerik. Recht“, in: *Z. für g. St.*, 1962, p. 57; see also, Report of the Committee of Privy Councillors appointed to enquire into the interception of communications, London, H.M.S.O., 1957, Cmd. 283.

(2) Madgwick, *Privacy under attack*, published by the National Council for Civil Liberties, London, 1968, pp. 30 ff.

(1) *In re Marrinan*, *The Times*, 3rd October 1957; *Regina v. Senat and Regina v. Sin (C.A.)*, *The Times*, 16th March 1968; also Report on the Interception of Communications 1956/57, Cmd. 283.

(2) *The Times*, 11th August 1967; *Bulletin of Legal Developments*, No. 17, 1967.

(3) See the report of the Committee of Privy Councillors appointed to enquire into the interception of communications, 1957, Cmd. 283; M. Grünhut, in: *Z für g. StW*, *ibid supra*, Dorbry, G. Wire-tapping and Eavesdropping; a Comparative survey in: *J. Int. Com. of Jurists*, 1958, p. 319.

(4) N. Marsh and A. Martin: *Towards a Right of Privacy*; Working Paper for a Seminar at All Souls' College, Oxford, 14th July 1967, p. 30 and p. 32.

(5) N. S. Marsh and A. Martin, *ibid supra*, p. 26.