

Legal status of encryption technology in Germany

A key element of the Federal Government's cyber security strategy is ensuring the security of businesses and private individuals on the Internet. The use of trustworthy encryption technology provides major assistance with this effort. Individuals must be able to protect their privacy at the highest level. The same applies to businesses with regard to protection for trade secrets and intellectual property. The Federal Government therefore encourages and supports the use of such technology. For example, on its website the Federal Office for Information Security lists the various encryption methods and how to use them properly. Government action in this regard is based on the Federal Cabinet's 1999 decision on cryptology priorities, which clearly states that the Federal Government does not intend to restrict the availability of encryption products. For the Federal Government, it is of course important for the security authorities to be able to carry out their duties as effectively as possible. These priorities still apply.

According to the Federal Data Protection Act (*Bundesdatenschutzgesetz*, BDSG), public and private bodies which collect, process or use personal data themselves or on behalf of others are required to carry out the technical and organizational measures necessary to ensure effective control over access and transfer of personal data. As one such measure, the Act mentions in particular the use of state-of-the-art encryption technology.

In addition, encryption technology is required by special legislation in the area of health care and taxation, for example.