

Telecommunications Act (TKG)

Section 113 Manual information procedure

(1) Any person providing or assisting in providing telecommunications services in a business capacity may, in compliance with subsection (2), use the data collected in accordance with sections 95 and 111 in compliance with this provision to meet information obligations vis-à-vis the bodies referred to in subsection (3). This also applies to data by means of which access to terminal equipment or to storage devices or units installed in or physically separated from such terminal equipment is protected. The data to be included in information provided may also be determined using an internet protocol address allocated at a certain point in time; traffic data may also be evaluated by means of automated procedures for this purpose. All internal company data sources are to be taken into account for the provision of information in accordance with sentence 3.

(2) Information may only be provided where a body as referred to in subsection (3) has made an individual request, in text form, for the purpose of prosecuting criminal or administrative offences, averting danger to public safety or order or discharging the legal functions of the bodies referred to in subsection (3) para 3, citing a legal provision allowing the body to collect the data to which reference is made in subsection (1); data as referred to in subsection (1) may not be transmitted to any other public or non-public bodies. In cases of imminent danger, the information may also be provided where the request is made in another form. In this case, the request is to be confirmed in text form subsequently without undue delay. Responsibility for the admissibility of the information request lies with the bodies referred to in subsection (3).

(3) Bodies for the purpose of subsection (1) are

1. the authorities responsible for the prosecution of criminal or administrative offences;
2. the authorities responsible for averting danger to public safety or order;
3. the federal and state authorities for the protection of the Constitution, the Federal Armed Forces Counter-Intelligence Office and the Federal Intelligence Service.

(4) The party providing or assisting in providing telecommunications services in a business capacity is to transmit the data to be provided without undue delay and in full. The persons with obligations shall maintain silence vis-à-vis the parties concerned and third parties about the request for and provision of information.

(5) Any person providing or assisting in providing telecommunications services in a business capacity is to make such arrangements as are required in their area of responsibility for the provision of information, at their own expense. Any person having more than 100,000 customers is to provide, for the receipt of information requests and the provision of the associated information, a secure electronic interface in compliance with the technical directive drawn up in accordance with section 110(3) through which transmission secured against disclosure of the data to unauthorised persons is also guaranteed. In doing so, it shall be ensured that each request for information is verified by a competent specialist for compliance with the formal requirements set out in subsection (2) and that further processing of the request is not allowed before the result of the verification is positive.