

fine.

(4) The attempt shall be punishable.

(5) The audio recording media and eavesdropping devices which the principal or secondary participant used may be subject to a deprivation order. Section 74a shall apply.

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Section 201a **Violation of intimate privacy by taking photographs**

(1) Whosoever unlawfully creates or transmits pictures of another person located in a dwelling or a room especially protected from view and thereby violates their intimate privacy shall be liable to imprisonment not exceeding one year or a fine.

(2) Whosoever uses or makes available to a third party a picture created by an offence under subsection (1) above shall incur the same penalty.

(3) Whosoever unlawfully and knowingly makes available to third parties a picture that was created with the consent of another person located in a dwelling or a room especially protected from view and thereby violates his intimate privacy shall be liable to imprisonment not exceeding one year or a fine.

(4) The visual media and the visual recording devices or other technical means that the principal or secondary or participant used may be subject to a deprivation order. Section 74a shall apply.

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Section 202 **Violation of the privacy of the written word**

(1) Whosoever unlawfully

1. opens a sealed letter or another sealed document not intended for him;

or

2. obtains knowledge of the content of such a document without opening the seal by using technical means,

shall be liable to imprisonment not exceeding one year or a fine unless the act is punishable under section 206.

(2) Whosoever unlawfully obtains knowledge of the contents of a document not intended for him and which was specially protected by means of a sealed container after he has opened the container shall incur the same penalty.

(3) An illustration shall be equivalent to a document within the meaning of subsections (1) and (2) above.

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Section 202a **Data espionage**

(1) Whosoever unlawfully obtains data for himself or another that were not intended for him and were especially protected against unauthorised access, if he has circumvented the protection, shall be liable to imprisonment not exceeding three years or a fine.

(2) Within the meaning of subsection (1) above data shall only be those stored or transmitted electronically or magnetically or otherwise in a manner not immediately perceivable.

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Section 202b **Phishing**

Whosoever unlawfully intercepts data (section 202a(2)) not intended for him, for himself or another by technical

means from a non-public data processing facility or from the electromagnetic broadcast of a data processing facility, shall be liable to imprisonment not exceeding two years or a fine, unless the offence incurs a more severe penalty under other provisions.

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Section 202c **Acts preparatory to data espionage and phishing**

(1) Whosoever prepares the commission of an offence under section 202a or section 202b by producing, acquiring for himself or another, selling, supplying to another, disseminating or making otherwise accessible

1. passwords or other security codes enabling access to data (section 202a(2)), or
2. software for the purpose of the commission of such an offence,

shall be liable to imprisonment not exceeding one year or a fine.

(2) Section 149(2) and (3) shall apply mutatis mutandis.

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Section 203 **Violation of private secrets**

(1) Whosoever unlawfully discloses a secret of another, in particular, a secret which belongs to the sphere of personal privacy or a business or trade secret, which was confided to or otherwise made known to him in his capacity as a

1. physician, dentist, veterinarian, pharmacist or member of another healthcare profession which requires state-regulated education for engaging in the profession or to use the professional title;
2. professional psychologist with a final scientific examination recognised by the State;
3. attorney, patent attorney, notary, defence counsel in statutorily regulated proceedings, certified public accountant, sworn auditor, tax consultant, tax agent, or organ or member of an organ of a law, patent law, accounting, auditing or tax consulting firm in the form of a company;
4. marriage, family, education or youth counsellor as well as addiction counsellor at a counselling agency which is recognised by a public authority or body, institution or foundation under public law;
- 4a. member or agent of a counselling agency recognised under section 3 and section 8 of the Act on Pregnancies in Conflict Situations;
5. a state-recognised social worker or state-recognised social education worker; or
6. member of a private health, accident or life insurance company or a private medical, tax consultant or attorney invoicing service,

shall be liable to imprisonment not exceeding one year or a fine.

(2) Whosoever unlawfully discloses a secret of another, in particular, a secret which belongs to the sphere of personal privacy or a business or trade secret, which was confided to or otherwise made known to him in his capacity as a

1. public official;
2. person entrusted with special public service functions;
3. person who exercises duties or powers under the law on staff employment representation;
4. member of an investigative committee working for a legislative body of the Federation or a state, another committee or council which is not itself part of the legislative body, or as an assistant for such a committee or council;