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Decree on telecoms interception imminent

The federal Ministry of Transport, Innovation and Technology is expected to publish a decree on the lawful interception of telecommunications by the end of the year, after consultation with the Ministry of Interior, the Ministry of Justice and assorted telecommunications providers.

The current draft of the decree requires telecommunications providers to install technical devices enabling the surveillance and recording of communications. However, it does not define 'telecommunications', so it is not clear whether it will apply to internet service providers or just telephone companies. In addition, the draft does not clearly state whether telecommunications providers will be reimbursed by the government for the equipment costs, estimated to be Sch100 million per provider.

The final draft of the decree will have to comply with pre-existing rules. For example, the Austrian Code of Penal Procedure provides that communications may be intercepted only if certain legal conditions are met, and if decided upon by a council of three judges. In addition, the transfer of collected information to the relevant public authorities (eg, police) must be made via technology designed in accordance with the criteria of the European Telecommunications Standardization Institute.

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