

Martin Böse

Wirtschaftsaufsicht und Strafverfolgung

Die verfahrensübergreifende Verwendung von Informationen und die Grund- und Verfahrensrechte des Einzelnen

[Supervision of Economic Activity and Criminal Prosecution. The Comprehensive Use of Information and the Fundamental and Procedural Rights of the Individual.]



Published in German.

The author examines the constitutional and legal framework for the use of personal data which has been obtained for other purposes in the course of administrative proceedings, such as for example the prosecution of criminal offenders, and vice versa with respect to personal data which has been obtained in criminal proceedings. There are different standards for obtaining information in criminal proceedings and in the administrative procedure of economic supervision. If there are no impediments to the flow of information from one procedure to the other, the danger is that the standards for obtaining information and the concept of protection which these embody will be circumvented. Based on a comparison between the structure of criminal proceedings and the administrative procedure, Martin Böse shows how constitutionally guaranteed basic and procedural rights of the individual restrict state intervention to obtain and process personal data. He also examines the existing laws which permit the use of information from both procedures in respect to their compatibility with the constitution.

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2005. XXXI, 622 pages. JusPubl 127

ISBN 978-3-16-148559-6
cloth 174,00 €

ISBN 978-3-16-157994-3
eBook PDF 144,00 €

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