

ผนวก ข

กฎหมายของประเทศฝรั่งเศส

CHAPTER VI. - OFFENCES AGAINST PERSONALITY

SECTION 1. - OFFENCES AGAINST PRIVACY

ARTICLE 226-1

Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002

A penalty of one year's imprisonment and a fine of € 45,000 is incurred for any wilful violation of the intimacy of the private life of other persons by resorting to any means of:

1° intercepting, recording or transmitting words uttered in confidential or private circumstances, without the consent of their speaker;

2° taking, recording or transmitting the picture of a person who is within a private place, without the consent of the person concerned.

Where the offences referred to by the present article were performed in the sight and with the knowledge of the persons concerned without their objection, although they were in a position to do so, their consent is presumed.

ARTICLE 226-2

The same penalties apply to the keeping, bringing or causing to be brought to the knowledge of the public or of a third party, or the use in whatever manner, of any recording or document obtained through any of the actions set out under article 226-1.

Where the misdemeanour under the previous paragraph is committed through the press or by broadcasting, the specific legal provisions governing those matters are applicable to define the persons who are responsible.

#### ARTICLE 226-3

The same penalties apply to the manufacture, import, detention, exhibition, offer, rental or sale, in the absence of a ministerial authorisation whose conditions of granting are determined by decree of the Conseil d'Etat, of equipment designed to perform operations which may constitute the offence set out under the second paragraph of article 226-15 or which, being designed for the detection of conversations from a distance, enable the commission of an offence under article 226-1 and are enumerated on a list drawn up pursuant to the conditions determined by that Decree.

The same penalties apply to the advertising of a device liable to enable the commission of the offences set out under article 226-1 and the second paragraph of article 226-15, where this advertisement constitutes an incentive to commit such offences.

#### ARTICLE 226-4

Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002

The penetration or unlawful occupation of the residence of another by manoeuvres, threats, acts of violence or constraint, except where permitted by law, is punished by one year's imprisonment and a fine of € 15,000.

#### ARTICLE 226-5

Attempts to commit the offences set out under the present Section are similarly punishable.

#### ARTICLE 226-6

In the cases set out under articles 226-1 and 226-2, criminal proceedings may only be initiated on the complaint of the victim, his legal representative or the legal successor to his rights.

#### ARTICLE 226-7

Legal persons may incur criminal liability for the offences defined by the present section, pursuant to the conditions set out under article 121-2.

The penalties applicable to legal persons are:

1° a fine, pursuant to the conditions set out under Article 131-38;

2° the prohibition, either permanently or for a maximum period of five years, to discharge directly or indirectly the social or professional activity in the exercise of which or on the occasion of the exercise of which the offence was committed;

3° the public display or dissemination of the decision pursuant to the conditions set out under article 131-35.