

Minutes of the Commitment

pursuant to Section 1 of the Law on Formal Commitment, as amended

The employee has been formally committed to the conscientious fulfillment of their obligations. They have been informed of the content of the following penal provisions of the German Criminal Code:

- **Section 133:** Destruction of materials under official safekeeping
- **Section 201:** Violation of the privacy of the spoken word
- **Section 203:** Violation of private secrets
- **Section 204:** Exploitation of the secrets of another
- **Sections 331 and 332:** Acceptance of bribes and bribes intended to induce a breach of official duties
- **Section 353b:** Breach of official secrets and special duties of confidentiality
- **Section 358:** Ancillary measures

The employee has been made aware that these penal provisions apply to them as a result of their commitment. Furthermore, they have been informed of the potential penal consequences of a violation of this commitment.

By signing these minutes after reading them, the employee acknowledges that they have been instructed on the content of the above provisions. The employee also confirms receipt of a copy of these minutes and an extract from the German Criminal Code containing the aforementioned provisions.

Extract from the Criminal Code

in the version promulgated on 13 November 1998 (Federal Law Gazette I p. 3322)

Sec. 133

Destruction of materials under official safekeeping

- (1) Whosoever destroys, damages or removes from official access documents or other chattels in official safekeeping or which have been officially placed in his or another's safekeeping, shall be liable to imprisonment of not more than two years or a fine.
- (2) The same shall apply to documents or other chattels in the official safekeeping of a church or another religious association under public law or which have been officially placed by them in the safekeeping of the offender.
- (3) Whosoever commits the offence in relation to an object which has been entrusted to or made accessible to him as a public official or a person entrusted with special public service functions shall be liable to imprisonment of not more than five years or a fine.

Sec. 201

Violation of the privacy of the spoken word

- (1) Whosoever unlawfully
1. makes an audio recording of the privately spoken words of another; or
 2. uses, or makes a recording thus produced accessible to a third party, shall be liable to imprisonment of not more than three years or a fine.
- (2) Whosoever unlawfully
1. overhears with an eavesdropping device the privately spoken words of another not intended for his attention; or
 2. publicly communicates, verbatim or the essential content of, the privately spoken words of another recorded pursuant to subsection (1) No 1 above or overheard pursuant to subsection (2) No 1 above, shall incur the same penalty.
- The offence under the 1st sentence No 2 above, shall only entail liability if the public communication may interfere with the legitimate interests of another. It is not unlawful if the public communication was made for the purpose of safeguarding overriding public interests.
- (3) Whosoever, as a public official or a person entrusted with special public service functions violates the privacy of the spoken word (subsections (1) and (2) above) shall be liable to imprisonment of not more than five years or a fine.
- (4) The attempt shall be punishable.

Sec. 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 of not more than 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; or
 5. publicly appointed expert who is formally obliged by law to conscientiously fulfil his duties, shall incur the same penalty. Particular statements about personal or material relationships of another which have been collected for public administration purposes shall be deemed to be equivalent to a secret within the meaning of the 1st sentence above; the 1st sentence above shall not apply to the extent that such particular statements are made known to other public authorities or other agencies for public administration purposes unless the law forbids it.
- (3) Other members of a bar association shall be deemed to be equivalent to an attorney named in subsection (1) No 3 above. The persons named in subsection (1) and the 1st sentence above shall be equivalent to their professionally active assistants and those persons who work with them in training for the exercise of their profession. After the death of the person obliged to keep the secret, whosoever acquired the secret from the deceased or from his estate shall be equivalent to the persons named in subsection (1) and in the 1st and 2nd sentences above.
- (4) Subsections (1) to (3) above shall also apply if the offender unlawfully discloses the secret of another person after the death of that person.
- (5) If the offender acts for material gain or with the intent of enriching himself or another or of harming another the penalty shall be imprisonment of not more than two years or a fine.

Sec. 204

Exploitation of the secrets of another

- (1) Whosoever unlawfully exploits the secret of another, in particular a business or trade secret, which he is obliged to keep secret pursuant to section 203, shall be liable to imprisonment of not more than two years or a fine.
- (2) Section 203(4) shall apply mutatis mutandis.

Sec. 331

Taking bribes

- (1) A public official or a person entrusted with special public service functions who demands, allows himself to be promised or accepts a benefit for himself or for a third person for the discharge of an official duty shall be liable to imprisonment of not more than three years or a fine.
- (2) A judge or arbitrator who demands, allows himself to be promised or accepts a benefit for himself or a third person in return for the fact that he performed or will in the future perform a judicial act shall be liable to imprisonment of not more than five years or a fine. The attempt shall be punishable.
- (3) The offence shall not be punishable under subsection (1) above if the offender allows himself to be promised or accepts a benefit which he did not demand and the competent public authority, within the scope of its powers, either previously authorises the acceptance or the offender promptly makes a report to it and it authorises the acceptance.

Sec. 332

Taking bribes meant as an incentive to violating one's official duties

- (1) A public official or person entrusted with special public service functions who demands, allows himself to be promised or accepts a benefit for himself or for a third person in return for the fact that he performed or will in the future perform an official act and thereby violated or will violate his official duties shall be liable to imprisonment from six months to five years. In less serious cases the penalty shall be imprisonment of not more than three years or a fine. The attempt shall be punishable.
- (2) A judge or an arbitrator, who demands, allows himself to be promised or accepts a benefit for himself or for a third person in return for the fact that he performed or will in the future perform a judicial act and thereby violated or will violate his judicial duties shall be liable to imprisonment from one to ten years. In less serious cases the penalty shall be imprisonment from six months to five years.
- (3) If the offender demands, allows himself to be promised or accepts a benefit in return for a future act, subsections (1) and (2) above shall apply even if he has merely indicated to the other his willingness to
1. violate his duties by the act; or
 2. to the extent the act is within his discretion, to allow himself to be influenced by the benefit in the exercise of his discretion.

Sec. 353b

Breach of official secrets and special duties of confidentiality

- (1) Whosoever unlawfully discloses a secret which has been confided or become known to him in his capacity as
1. a public official;
 2. a person entrusted with special public service functions; or
 3. a person who exercises duties or powers under the laws on staff representation and thereby causes a danger to important public interests, shall be liable to imprisonment of not more than five years or a fine. If by the offence the offender has negligently caused a danger to important public interests he shall be liable to imprisonment of not more than one year or a fine.
- (2) Whosoever other than in cases under subsection (1) above unlawfully allows an object or information to come to the attention of another or makes it publicly known
1. which he is obliged to keep secret on the basis of a resolution of a legislative body of the Federation or a state or one of their committees; or
 2. which he has been formally put under an obligation to keep secret by another official agency under notice of criminal liability for a violation of the duty of secrecy, and thereby causes a danger to important public interests shall be liable to imprisonment of not more than three years or a fine.
- (3) The attempt shall be punishable.
- (4) The offence may only be prosecuted upon authorisation. The authorisation shall be granted
1. by the president of the legislative body
- (a) in cases under subsection (1) above if the secret became known to the offender during his service in or for a legislative body of the Federation or a state;
- (b) in cases under subsection (2) No 1 above;
2. by the highest Federal public authority:
- (a) in cases under subsection (1) above if the secret became known to the offender during his service in or for a public authority or in another official agency of the Federation or for such an agency;
- (b) in cases under subsection (2) No 2 above if the offender was under put under obligation by an official agency of the Federation;
3. by the highest state public authority in all other cases under subsections (1) and (2) No 2 above.

Sec. 358

Ancillary measures

In addition to a sentence of imprisonment of at least six months for an offence under section 332, section 335, section 339, section 340, section 343, section 344, section 345(1) and (3), section 348, sections 352 to 353b(1), section 355 and section 357 the court may deprive the person of the capacity to hold public office (section 45(2)).