



Privacy in Bavaria

News for the Bavarian public sector

No. 2_2022 | 29 July 2022

Court of Justice of the European Union, judgement of 22 June 2022, C-534/20 • Provision of Federal Data Protection Act, which only allows dismissal of the data protection officer for just cause, is compatible with the GDPR; possibility for member states to provide for stricter regulations for the dismissal of a data protection officer, provided that this regulation does not impair the achievement of the objectives of the GDPR. | <https://curia.europa.eu>

Court of Justice of the European Union, judgement of 24 March 2022, C-245/20 • Interpretation of Art. 55(3) GDPR; provision of documents from pending cases to journalists as “acting in [...] judicial capacity”; consequences for the competence of the data protection supervisory authority. <https://curia.europa.eu>

High Administrative Court of Baden-Württemberg, judgement of 24 May 2022, 3 S 1813/19 • Data protection during early public participation in the development plan procedure; standards for the anonymization of comments by private objectors; consequences under planning law if an anonymization prescribed by data protection law is omitted (see also BayLfD, 29th Activity Report 2019, No. 5.1.2). <https://www.landesrecht-bw.de>

High Administrative Court of Bremen, judgement of 18 May 2022, 2 D 374/21 • If the e-mail address is not part of the exhaustively defined “master data record” to be communicated by the members of a professional chamber, this cannot be corrected by a statute of this chamber. beck-online, no free access.

Wiesbaden Administrative Court (Hesse), order of 13 January 2022, 6 K 1563/2 • Referral to the Court of Justice of the European Union due to doubts as to the conformity of Art. 3(5) Regulation (EU) 2019/1175 with EU law; in case of infringement, right to be issued with an identity card without fingerprints. | <https://curia.europa.eu> (there referred to as Case C-61/22)

Federal Court of Justice, order of 29 March 2022, VI ZR 1352/20 • Referral to the Court of Justice of the European Union on the significance and scope of the obligation to provide a copy of the personal data that are the subject of the processing, as set out in the first sentence of Art. 15(3) GDPR. <https://juris.bundesgerichtshof.de>

Munich Finance Court, judgement of 19 May 2022, 15 K 2067/18 • No right under Art. 15 GDPR to be provided with copies of the documents contained in a tax file; distinction between “structured” and “non-structured” information which do not fall within the scope of the GDPR. <https://www.gesetze-bayern.de>

Lehr/Becker, Falschparkeranzeigen mit Fotobeweis – datenschutzrechtlich zulässig? [Complaint against parking offenders with photo proof – permissible under data protection law?] • The article deals with a current controversial question and in particular with the conditions and limits of a justification based on Art. 6(1)(1)(f) GDPR. | Zeitschrift für Datenschutz 2022, p. 370 ff.

Datenschutz und Datensicherheit, issue 6/2022, focus on children on the net • Special issue with contributions on, for example, child protection in the online world from the perspective of children's rights and media ethics (p. 339 ff.), on the role of parents in data protection consent for their children (p. 361 ff.), on the protection of minors in the GDPR (p. 367 ff.) or on minors in the role of influencers (p. 357 ff., 381 ff.).

The Bavarian Data Protection Commissioner

80538 München | Wagnmüllerstraße 18 | Phone: +49 89 21 26 72-0

poststelle@datenschutz-bayern.de | <https://www.datenschutz-bayern.de>