



Privacy in Bavaria

News for the Bavarian public sector

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High Administrative Court of Bavaria, order of 10 August 2022, 7 CE 22.1099 • Limitation of information claims under press law by requirements of social data protection law.
<https://www.gesetze-bayern.de>

Frankfurt Administrative Court (Hesse), order of 15 July 2022, 5 L 1281/22 • Public-law action against an electronic communication not sufficiently secure under Art. 5(1)(f), Art. 32(1) GDPR (rejected due to a sufficient level of protection). | <https://www.rv.hessenrecht.hessen.de>

Karlsruhe Higher Regional Court (Baden Württemberg), order of 7 September 2022 • On the question of when public contracting authorities may rely on privacy-related assurances of bidders in procurement procedures (background: transfer to third countries, decision on appeal against Public Procurement Tribunal Baden Württemberg, order of 13 July 2022, 1 VK 23/22).
<https://www.landesrecht-bw.de>

Cologne Higher Regional Court (North Rhine-Westphalia), judgement of 14 July 2022, 15 U 137/21 • Claim for compensation for non-material damage pursuant to Art. 82 (1) GDPR for delayed provision of information under Art. 15 GDPR (see also Federal Labour Court, judgement of 5 May 2022, 2 AZR 363/21, no. 11, <https://www.bundesarbeitsgericht.de>). | <https://www.justiz.nrw/BS/nrwe2>

Federal Administrative Court (Austria), decision of 13 Juny 2022, W214 2234600-1; decision of 21 April 2022, W176 2247262-1 • Each on the question of the conditions under which applications by data subjects are to be considered as excessive. | <https://www.ris.bka.gv.at>

Korch/Chatard, Der Missbrauchseinwand gegen Betroffenenrechte [The abuse argument against data subjects' rights] • The discussion on how to deal with motives outside privacy is explained on the basis of current case law and literature, in particular on the right of access (Art. 15 GDPR).
Zeitschrift für Datenschutz 2022, S. 482 ff.

Gola/Klug, Die Entwicklung des Datenschutzrechts [The development of data protection law] • Overview of court decisions, publications of the data protection supervisory authorities as well as expert papers from the first half of 2022. | Neue Juristische Wochenschrift 2022, S. 2597 ff.

Paal/Kritzer, Geltendmachung von DS-GVO-Ansprüchen als Geschäftsmodell [Assertion of GDPR claims as a business model] • The article explains the possibilities and limits of asserting claims for non-material damages (Art. 82 (1) GDPR) and (preceding) for information (Art. 15 GDPR) in the context of collective redress and by third parties. | Neue Juristische Wochenschrift 2022, S. 2433 ff.

Event information: The Bavarian Data Protection Commissioner will be represented at the Bavarian Data Protection Days of the Bavarian Academy for Administrative Management on 18 and 19 October 2022 in Gunzenhausen and at the Authorities Day of the Association of Data Protection Officers Germany on 28 October 2022 in Stuttgart.
<https://verwaltungs-management.de/angebote/tagungen>
<https://www.bvdnet.de/termin/bvd-behoerdentag-2022>

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