



## Privacy in Bavaria

News for the Bavarian public sector

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**Federal Constitutional Court, order of 29 July 2022, 2 BvR 54/22** • Constitutional complaint against a court order for identification measures in accordance with section 81b Code of Criminal Procedure (since 1 October 2022: section 81b (1) Code of Criminal Procedure); considering the meaning and scope of the right to informational self-determination; lack of appropriateness and failure to discuss the specific necessity of individual parts of the measure (legal remedy successful).  
<https://www.bundesverfassungsgericht.de>

**High Administrative Court of North Rhine-Westphalia, order of 23 September 2022, 5 B 303/21** Injunction under public law against video surveillance by the police; authority for the application for interim relief (distinction from popular action); review of the legality of the measure (North Rhine-Westphalian state law). | <https://www.justiz.nrw/BS/nrwe2>

**Aachen Administrative Court (North Rhine-Westphalia), judgement of 8 August 2022, 8 K 4232/18** • Limitation of right of access to information based on state law when documents of a procurement procedure are concerned. | <https://www.justiz.nrw/BS/nrwe2>

**Bremen Administrative Court, judgement of 22 June 2022, 4 K 1/21** • Administrative decision on access under Article 15 GDPR by administrative act; no information pursuant to Article 15 (1) (e) GDPR if the applicant has proven knowledge of the relevant rights. | beck-online, no free access

**Bavarian Supreme Court, order of 2 June 2022, 102 VA 7/22** • Access to a social care file; application of the „Doppeltürmodell“ (meaning both request and transmission of data require a proportionate justification, cf. e.g. Federal Constitutional Court, order of 27 May 2020, 1 BvR 1873/13 and 1 BvR 2618/13) in relation to section 95 (1) Code of Criminal Procedure as well as with regard to a data transmission upon request of a professional supervisory authority for physicians (in continuation of Bavarian Supreme Court, order of 27 January 2021, 1 VA 37/20 and order of 6 August 2020, 1 VA 33/20).  
<https://www.gesetze-bayern.de>

**Interdiocesan Data Protection Tribunal (Roman Catholic Church), order of 25 February 2022, IDSG 23/2020** • Right of access of a father to his daughter's personal data against an ecclesiastical care institution; opposing will of the daughter; action dismissed (ecclesiastical law comparable to Article 15 (4) GDPR). | <https://www.dbk.de/themen/kirche-staat-und-recht>

**Gola, Zum Umgang mit Bewerberdaten bei negativer Beendigung des Bewerbungsverhältnisses [What to do with applicant's data in the case of non-employment]** • Systematic presentation with particular focus on the relevant case law; including comments on the legal requirements for data retention for future recruitment processes. | Recht der Datenverarbeitung 2022, p. 180 ff.

**Leipold, Overviews** • Case law relating to Article 15 GDPR and Article 82 GDPR as well as case law of the European Court of Justice relating to the GDPR (including pending preliminary ruling procedures), presented in tabular form, updated regularly. | <https://rsw.beck.de/cms/?toc=ZD.120>