



Privacy in Bavaria

News for the Bavarian public sector

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The Bavarian Data Protection Commissioner, Data protection as a criterion in procurement procedures [Datenschutz als Kriterium im Vergabeverfahren] • Guidelines on how to implement data protection requirements in procurement processes taking into account procurement of cloud-services. | <https://www.datenschutz-bayern.de>, Rubrik „Datenschutzreform 2018“

EDPB, Annual report 2022 • | <https://edpb.europa.eu>

Court of Justice of the European Union, judgement of 4 May 2023, C-300/21 • A claim for damages under Art. 82 GDPR requires a – material or non-material – damage caused by an infringement of the GDPR; a (here: non-material) damage does not have to reach a certain degree of seriousness, though has to be verifiable; determination of the amount of damages payable under national law has to comply with the principles of equivalence and effectiveness. | <https://curia.europa.eu>

Court of Justice of the European Union, judgement of 4 May 2023, C-487/21 • On the concept of 'copy' within the meaning of Art. 15 (3) (1) GDPR; right to obtain a 'faithful and intelligible reproduction' of all the personal data undergoing processing; consideration of contextualisation in the individual case. | <https://curia.europa.eu>

Court of Justice of the European Union, judgement of 4 May 2023, C-60/22 • Failure by the controller to comply with the obligations laid down in Art. 26 and 30 GDPR does not constitute unlawful processing under Art. 17 (1) (d) or Art. 18 (1) (d) GDPR; assessment of the legality of a processing is determined by Art. 5 (1) (a) and Art. 6 (1) 1 GDPR. | <https://curia.europa.eu>

High Administrative Court of Bavaria, judgement of 9 March 2023, 13a B 22.1688 • Access to owner data in the real estate cadaster; requirements in regard to 'legitimate interest' under Art. 11 (1) 3 VermKatG ([Bavarian] Land Surveying and Cadastre Act) (target group: enterprises dealing with planning and construction of solar power plants). | <https://www.gesetze-bayern.de>

Federal Court of Justice, decision of 21 March 2023, EnVR 83/20 • Remonstrance to reference for a preliminary ruling, aiming at anonymisation (rejected). | <https://www.rechtsprechung-im-internet.de>

Munich Regional Court I, final judgement of 30 March 2023, 4 O 13063/22 • Declaratory action regarding the non-existence of an injunctive relief for incorporating Google-Fonts on a website when using a so-called crawler. | <https://www.gesetze-bayern.de>

Federal Administrative Court (Austria), decision of 15 March 2023, W108 2251251-1 • On the legitimacy of taking photographs for the purpose of submitting a complaint; requirements of Art. 6 (1) 1 (f) GDPR; breach of the principle of data minimisation due to excessive documentation. – See also Ansbach Administrative Court (Bavaria), judgement of 2 November 2022, AN 14 K 22.468. <https://www.ris.bka.gv.at>

Federal Administrative Court (Austria), decision of 27 February 2023, W256 2234027-1 • Right of access under Art. 15 (1) GDPR in the case of doubt as to the assignment of personal data to the claimant. | <https://www.ris.bka.gv.at>

The Bavarian Data Protection Commissioner

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