



Privacy in Bavaria

News for the Bavarian public sector

No. 7_2023 | 22 September 2023

The Bavarian Data Protection Commissioner, Bavarian public authorities and the Windows telemetry component [Bayerische öffentliche Stellen und die Windows-Telemetrikkomponente] • Information note 50. | **First Aid concerning the adequacy decision for the EU-U.S. Data Privacy Framework [Erste Hilfe zum Angemessenheitsbeschluss für das EU-U.S. Data Privacy Framework]** • Information note 51. | **Bavarian Cancer Registry Act now with unrestricted right to object [Bayerisches Krebsregistergesetz jetzt mit uneingeschränktem Widerspruchsrecht]** • Information note 52. | <https://www.datenschutz-bayern.de>, section „Datenschutzreform 2018“

Committee of Independent German Federal and State Data Protection Supervisory Authorities, Transfer of personal data from Europe to the USA • Application note. <https://www.datenschutz-bayern.de>, section „Konferenzen“

Federal Administrative Court, order of 4 May 2023, 5 P 16.21 • Social media with comment function can be monitoring systems subject to co-determination. | <https://www.bverwg.de>

Bremen Administrative Court, judgement of 26 June 2023, 4 K 238/23 • Article 79 (1) GDPR does not provide a sui generis type of action under Union law even if an initially possible action for annulment is expired. | BeckRS 2023, 17112

Frankfurt (Oder) Administrative Court, judgement of 26 July 2023, 2 K 1199/18 • Monument protection files shall generally contain personal data “in full” (comparable to construction files). BeckRS 2023, 23049

Munich Administrative Court, order of 22 June 2023, M 26b S 23.1889 • Requirements for a medical certificate of contraindication for measles vaccination to be submitted to the public health department. | <https://www.gesetze-bayern.de>

Federal Labour Court, judgement of 29 June 2023, 2 AZR 296/22 • On the scope of an exclusion of evidence for video recordings made openly but possibly contrary to data protection requirements if the employer intends to use them to prove the employee's conduct in breach of duty in proceedings for protection against dismissal. | <https://www.bundesarbeitsgericht.de/entscheidungen>

Assion, Development of data protection law [Die Entwicklung des Datenschutzrechts] • Presentation of the development of data protection law especially in the first half of 2023. | NJW 2023, p. 2619

Baumgartner/Brunnbauer/Cross, Requirements of the GDPR for the use of artificial intelligence [Anforderungen der DS-GVO an den Einsatz von Künstlicher Intelligenz] • Analysis of the requirements of existing data protection laws, in particular the GDPR, for the development and use of AI systems. | MMR 2023, p. 543

Datenschutz und Datensicherheit, issue 8/2023, focus topic „Security despite AI“ [„Sicherheit trotz KI“] • Articles inter alia on validating robustness of ML systems exemplified by security attacks on automotive systems (p. 478 ff.), on SAT proof checking (p. 487 ff.) and on quantifying attribution-based explainable AI (p. 492 ff.) (articles all in English).