



Privacy in Bavaria

News for the Bavarian public sector

No. 3_2024 | 27 March 2024

The Bavarian Data Protection Commissioner, Municipal decision-making in livestream and media library [Kommunale Willensbildung in Livestream und Mediathek] • Information note 54.

<https://www.datenschutz-bayern.de>, section „Datenschutzreform 2018“

The Bavarian Data Protection Commissioner, Data protection as a criterion in procurement procedures [Datenschutz als Kriterium im Vergabeverfahren] • Version 2 of the guidelines.

<https://www.datenschutz-bayern.de>, section „Datenschutzreform 2018“

European Court of Justice, judgement of 7 March 2024, C-604/22 • A string composed of a combination of letters and characters containing the preferences of a data subject relating to their consent to the processing of personal data or its withdrawal (here: so-called TC String) constitutes (already) personal data within the meaning of Art. 4 No. 1 GDPR if the person responsible must be provided with identifying features (here: IP address); on joint responsibility within the meaning of Art. 26 (1) GDPR of an industry organisation and its members. | <https://www.curia.europa.eu>

Federal Fiscal Court, order of 8 February 2024, IX B 113/22 • A legal person cannot derive any rights directly from Art. 15 GDPR. | <https://www.bundesfinanzhof.de>

Higher Administrative Court of Bavaria, order of 15 February 2024, 4 CE 23.2267 • Art. 4 (1) Bavarian Data Protection Act [Bayerisches Datenschutzgesetz] is no sufficient legal basis for the aerial survey of a residential property with a photo drone in order to determine floor areas for a tax decision. | <https://www.gesetze-bayern.de>

Brandenburg Higher Regional Court (Brandenburg), order of 1 February 2024, 1 W 3/24 • If a civil servant asserts a right under Art. 15 GDPR in relation to their service, legal recourse is available to the administrative courts. | BeckRS 2024, 2650

Supreme Administrative Court (Austria), decision of 21 December 2023, Ro 2021/04/0010-11 • Automated decisions within the meaning of Art. 22 (1) GDPR in connection with personal data of job seekers. | <https://www.ris.bka.gv.at>

Federal Administrative Court (Austria), decision of 22 January 2024, W252 2247042-1 • On the format for providing information in the case of Art. 12 (3) 4 GDPR at the end when requesting information by letter. | <https://www.ris.bka.gv.at>

Federal Administrative Court (Austria), decision of 29 November 2023, W214 2233132-1 • Organisational obligation of the controller to establish "information capability" (here: Art. 15 (1) (c) GDPR – recipients). | <https://www.ris.bka.gv.at>

Datenschutz und Datensicherheit, issue 1/2024, focus topic "New IT security concepts" [„Neue IT-Sicherheitskonzepte“] • Articles inter alia on the necessity of new IT security concepts (p. 5 ff.), on the basic package cyber security (p. 16 ff.) and on confidential cloud computing (p. 31 ff.).

Datenschutz und Datensicherheit, issue 2/2024, focus topic "Data economy and data protection" [„Datenökonomie und Datenschutz“] • Essays inter alia on data economy in digital ecosystems (p. 77 ff.), on concepts for usable data protection functions in digital ecosystems (p. 95 ff.) and on data processing in secure processing environments using the example of MRI brain scans (p. 110 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>