



## Privacy in Bavaria

News for the Bavarian public sector

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**The Bavarian Data Protection Commissioner, Data Governance Act. Towards a European single market for data [Daten-Governance-Rechtsakt. Auf dem Weg zu einem europäischen Binnenmarkt für Daten]** • Guidelines. | <https://www.datenschutz-bayern.de/datenschutzreform2018>

**The Bavarian Data Protection Commissioner, Publishing photos = training AI? [Fotos veröffentlichen = KI trainieren?]** • Information note 55.  
<https://www.datenschutz-bayern.de/datenschutzreform2018>

**European Data Protection Board, Safeguarding individuals' digital rights. Annual Report 2023**  
<https://www.edpb.europa.eu>

**European Court of Justice, judgement of 11 April 2024, C-741/21** • Compensation for damages after unsolicited advertising: Continuation of the case law on the requirements for a claim for damages pursuant to Art. 82 (1) GDPR (most recently European Court of Justice, judgement of 25 January 2024, C-687/21); prerequisites for exemption from liability of the controller for the behaviour of persons under his control; no consideration of the criteria of Art. 83 GDPR and the circumstance of multiple infringements when assessing the amount of damages pursuant to Art. 82 GDPR.  
<https://www.curia.europa.eu>

**European Court of Justice, judgement of 21 March 2024, C-61/22** • Although the obligation to include two fingerprints in the ID card restricts the fundamental rights to respect for private life (Art. 7 Charter of Fundamental Rights) and to the protection of personal data (Art. 8 Charter of Fundamental Rights), the interference with fundamental rights is justified to protect against counterfeiting and identity theft; however, the underlying Regulation (EU) 2019/1157 is invalid due to an incorrect legal basis and must be replaced within a reasonable period of time. | <https://www.curia.europa.eu>

**Brandenburg Higher Regional Court, order of 1 March 2024, 2 W 2/24** • Whether there is a task carried out in the public interest that requires the processing of personal data is not determined by the controller; Art. 6 (1) 1 (e) GDPR only establishes a link to the underlying legal basis.  
BeckRS 2024, 4619

**Passau Regional Court (Bavaria), judgement of 16 February 2024, 1 O 616/23** • On data processing by a social network, in particular on scraping, on data protection-friendly default settings in accordance with Art. 25 (2) GDPR and on transfers of personal data to the United States of America.  
<https://www.gesetze-bayern.de>

**Düsseldorf Administrative Court (North Rhine-Westphalia), judgement of 28 February 2024, 29 K 6009/21** • Access of a child's father to contact protocols in compliance with the legislation on freedom of information, social law and data protection. | <https://www.justiz.nrw/BS/nrwe2>

**Wiesbaden Administrative Court (Hesse), order of 5 February 2024, 6 K 1/24.WI** • The guarantee of legal protection does not include the right to a formal decision on submissions that are abusive, obviously repetitive or pointless. | <https://www.rv.hessenrecht.hessen.de>

**Stuttgart Administrative Court (Baden-Wuerttemberg), judgement of 30 November 2023, 11 K 3946/21** • Right of access (Art. 15 GDPR); large amount of information; multifaceted explanations of different claim contents; information in the case of deletion. | <https://www.landesrecht-bw.de>

**The Bavarian Data Protection Commissioner**

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