



Privacy in Bavaria

News for the Bavarian public sector

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EDPB, Statement 02/2022 on personal data transfers to the Russian Federation, adopted on 12 July 2022 • <https://edpb.europa.eu>

Court of Justice of the European Union, judgement of 1 August 2022, C-184/20 • The indirect disclosure of a person's sexual orientation (in the case the publication of name-specific data relating to the partner) is processing under Art. 9 GDPR. | <https://curia.europa.eu>

Federal Constitutional Court, Press Release No. 66/2022 of 2 August 2022 • The court publishes an English collection mapping the constitutional protection of self-determination, identity and privacy. <https://www.bundesverfassungsgericht.de>

Bavarian Constitutional Court, decision of 26 April 2022, Vf. 5-VII-19 • The Bavarian regulations on the use of electronic water meters with radio function are compatible with the Constitution of the Free State of Bavaria (cf. High Administrative Court of Bavaria, Privacy in Bavaria 1_2022). <https://www.gesetze-bayern.de>

Stuttgart Administrative Court (Baden Württemberg), judgement of 15 May 2022, 1 K 6043/20 Claim to the deletion of a court decision from a public database where the not named data subject remains identifiable on the basis of facts; constitutional duty to publish leading cases as a legal obligation under Art. 17(3)(b) GDPR. | <https://www.landesrecht-bw.de>

Federal Court of Justice, judgement of 22 February 2022, VI ZR 14/21 • Limitation of the right of access (Art. 15 GDPR) by rights and freedoms of other persons; information on the source of data (Art. 15(1)(g) GDPR) in the case of whistleblowing; balancing of the interests of the data subject and the whistleblower. | <https://www.bundesgerichtshof.de>

Federal Fiscal Court, order of 28 June 2022, II B 93/21 • For an action under Art. 82 GDPR concerning an infringement by a tax authority, recourse to the fiscal courts is given. <https://www.bundesfinanzhof.de>

Public Procurement Tribunal Baden Württemberg, order of 13 July 2022, 1 VK 23/22 • Extensive definition of transfers (to third countries, Art. 44 ff. GDPR); providing access from a third country to data hosted within the territory of the GDPR may suffice for the assumption of a transfer. | <https://rewis.io>

Federal Administrative Court (Austria), decision of 21 December 2021, W258 2238615-1 • Employee is (sole) controller when he recalls personal data from the civil register for private purposes (cf. on regard to the legal framework in Bavaria: Dieterle, Zeitschrift für Datenschutz 2022, p. 439, 440 f.). <https://www.ris.bka.gv.at>

Datenschutz und Datensicherheit, issue 7/2022, focus on new concepts for digital health-care • Contributions i. e. on the primary and secondary use of electronic health data (p. 413 ff.), on an opt-out for the electronic health record (p. 419 ff.) and on preventing abusive profiling through Privacy Enhancing Technologies in the Telematics Infrastructure 2.0 (p. 427 ff.).