



Privacy in Bavaria

News for the Bavarian public sector

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The Bavarian Data Protection Commissioner, Bavarian personnel files law and European data protection law [Bayerisches Personalaktenrecht und unionales Datenschutzrecht] • Information note 49. | **Data protection for spelling correction in the web browser [Datenschutz bei Rechtschreibkorrektur im Webbrowser]** • Information note 48. | <https://www.datenschutz-bayern.de>, section „Datenschutzreform 2018“

Court of Justice of the European Union, judgement of 22 June 2023, C-579/21 • On the scope of the right of access under Art. 15 GDPR regarding log data of queries about a data subject; affirmed for data on the purpose and time of processing; rejected in principle for the identity of the enquirer (exception explained in more detail). | <https://curia.europa.eu>

High Administrative Court of Bavaria, order of 29 June 2023, 6 ZB 23.530 • No claim of a civil servant for deletion of documents concerning incapacity for work due to illness according to Art. 5 (1) (c), (d) and (e) GDPR. | <https://www.gesetze-bayern.de>

Düsseldorf Administrative Court (North Rhine-Westphalia), order of 25 May 2023, 14 L 1081/23 • On an exclusion of evidence for information gained by a driving licence authority from a care file in a possibly unlawful way (on the data protection limits of access to care files Bavarian Supreme Court, order of 2 June 2022, 102 VA 7/22). | <https://www.justiz.nrw/BS/nrwe2/index.php>

Federal Administrative Court (Austria), decision of 7 June 2023, W137 2237707-1 • The right to complain to a data protection supervisory authority does not include the determination of infringements that no longer exist at the time of the decision of the data protection supervisory authority. <https://www.ris.bka.gv.at/>

Interdiocesan Data Protection Tribunal (Roman Catholic Church), order of 28 April 2023, IDSG 05/2022 • On the requirements for justifying the transfer of data concerning the health and social situation of a child to a joint custodial parent and to the youth welfare office by an ecclesiastical regulation comparable to Art. 9 (2) (f) and (h) GDPR. | <https://www.dbk.de/themen/kirche-staat-und-recht>

Kelber/Bortnikov, Digital sovereignty of security agencies and intelligence services [Digitale Souveränität von Sicherheitsbehörden und Nachrichtendiensten] • Article on the constitutional boundaries of IT outsourcing, in particular on possible existing or to be created legal bases for the testing of IT products and the training of AI. | NJW 2023, p. 2000 ff.

Dieckhoff/Assion, Does the principle of confidentiality of telecommunications under the Telecommunications and Telemedia Data Protection Act still apply to employers? [Gilt das Fernmeldegeheimnis nach dem TTDSG noch für Arbeitgeber?] • Analysis of the scope of the principle of confidentiality of telecommunications with regard to employers on the basis of the new Telecommunications and Telemedia Data Protection Act as well as the new Telecommunications Act, including recommendations for action. | ZD 2023, p. 371 ff.

Datenschutz und Datensicherheit, issue 7/2023, focus topic „ISMS – viable concepts“ [„ISMS – Tragfähige Konzepte“] • Articles inter alia on ISMS and digital sustainability (p. 397 ff.), on ISMS audit for operators of critical infrastructures (p. 406 ff.) and on the IT-Grundschutz offered by the Federal Office for Information Security (a systematic basis for information security) (p. 410 ff.).

The Bavarian Data Protection Commissioner

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