



Privacy in Bavaria

News for the Bavarian public sector

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EDPB, Guidelines 05/2021 on the Interplay between the application of Article 3 and the provisions on international transfers as per Chapter V of the GDPR (Version 2.0) • **Guidelines 07/2022** on certification as a tool for transfers (Version 2.0) • **Guidelines 03/2022** on deceptive design patterns in social media platform interfaces: how to recognise and avoid them (Version 2.0) • **Work Programme 2023–2024**. | <https://edpb.europa.eu>

The Bavarian Data Protection Commissioner, Data protection supervision and municipal supervision [Datenschutzaufsicht und Kommunalaufsicht] • Information note 45.
<https://www.datenschutz-bayern.de>, section “Datenschutzreform 2018”

The Bavarian Data Protection Commissioner, Causing and avoiding data breaches with Microsoft Excel [Datenpannen mit Microsoft Excel verursachen und vermeiden] • Information note 46.
<https://www.datenschutz-bayern.de>, section “Datenschutzreform 2018”

Court of Justice of the European Union, judgement of 9 February 2023, C-453/21 • On the question if national legislation may stipulate requirements for the dismissal of a data protection officer that are more onerous than those applicable under the GDPR; conflict of interests within the meaning of Article 38 (6) (2) GDPR. | <https://curia.europa.eu>

Federal Administrative Court, judgement of 30 November 2022, 6 C 10.21 • Examination papers and their assessments as personal data of the candidate; right to copies free of charge pursuant to Article 15 (3) GDPR (second state examination in law). | <https://www.bverwg.de>

Hamm Higher Regional Court (North Rhine-Westphalia), judgement of 20 January 2023, 11 U 88/22 • Misdirected Excel file containing health data as a breach of Article 5 (1) (a), (f), Article 9 (1) GDPR; compensation for non-material damage; relation of Article 82 GDPR and sections 831, 839 German Civil Code (case from the public sector). | <https://www.justiz.nrw.de/BS/nrwe2>

Federal Administrative Court (Austria), decision of 22 December 2022, W245 2234017-1 • On the requirements to ensure identification for exercising the right of access under Article 15 GDPR.
<https://www.ris.bka.gv.at>

Federal Administrative Court (Austria), decision of 22 December 2022, W245 2234824-1 • Right to erasure and storage for reasons of budgetary law. | <https://www.ris.bka.gv.at>

Federal Administrative Court (Austria), decision of 11 January 2023, W214 2244219-1 • On data protection regarding already published data (case from the municipal sector). | <https://www.ris.bka.gv.at>

Austrian Data Protection Authority, decision of 15 December 2022, D124.1413/22, 2022-0.876.190 • On the competence of the Data Protection Authority for data processing by an embassy of a third country; exception provided for in Article 55 (2) GDPR for data processing on the basis of Article 6 (1) (1) (c) or (e) GDPR; application of the Vienna Convention on Diplomatic Relations.
<https://www.ris.bka.gv.at>

Datenschutz und Datensicherheit, issue 1/2023, focus topic „Biometrics and data protection” • Articles inter alia on contactless fingerprint recording (p. 7 ff.), on living recognition – protection for the biometric identity – (p. 11 ff.) and on fairness of biometric systems (p. 15 ff.).

The Bavarian Data Protection Commissioner

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