



Privacy in Bavaria

News for the Bavarian public sector

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The Bavarian Data Protection Commissioner, Spring cleaning the record of processing activities [Frühjahrsputz im Verarbeitungsverzeichnis] • Information note 47.

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

Court of Justice of the European Union, judgement of 30 March 2023, C-34/21 • On the requirements for "more specific rules" according to Art. 88 (1) GDPR; provisions incompatible with Art. 88 (2) GDPR as national law under Art. 6 (3) 1 (b) GDPR. | <https://curia.europa.eu>

Nuremberg Finance Court, judgement of 1 February 2023, 3 K 596/22 • Section 29b Fiscal Code as a specific provision for the lawfulness of processing personal data by tax authorities; request towards a landlord to submit rental agreements and requests for rent increase. | <https://www.gesetze-bayern.de>

Federal Social Court, decision of 6 March 2023, B 1 SF 1/22 R • Competence of a social court for a claim under Art. 82 GDPR even if a public authority liability claim would be possible.

<https://www.rechtsprechung-im-internet.de>

Hamm Higher Regional Court (North Rhine-Westphalia), decision of 21 December 2022, 11 W 62/22 • The constitutional legal recourse rule (in Art. 34 Basic Law for the Federal Republic of Germany) for public authority liability claims encloses competing claims under Art. 82 GDPR.

<https://www.justiz.nrw.de/BS/nrwe2>

Hannover Administrative Court (Lower Saxony), judgement of 20 February 2023, VG 10 A 1101/22 • Legal action of a university against a reprimand under Art. 58 (2) (b) GDPR for submitting administrative processes relating to a competitor dispute to an Administrative Court; accusation of having disregarded Art. 5 (1) (c) GDPR; pursued successfully. | <https://voris.wolterskluwer-online.de>

Federal Cartel Office (2nd Federal Public Procurement Tribunal), decision of 13 February 2023, VK 2-114/22 • Inter alia on the question of exclusion of offers for data processing by German subsidiaries of American parent companies on the grounds of violation of Art. 44 ff. GDPR considering protection of social data. | <https://www.bundeskartellamt.de>

Gola/Klug, Die Entwicklung des Datenschutzrechts [On the development of data protection law] • Neue Juristische Wochenschrift 2023, p. 658 ff.

Heinzke/Leibold, Der EuGH und die DSGVO – ein Nadelöhr zur Rechtssicherheit [CJEU and GDPR – a bottleneck for legal certainty] • Overview of the most important references for a preliminary ruling to the European Court of Justice in 2023. | Computer und Recht 2023, p. 90 ff.

Roßnagel, Videokonferenzen als Telekommunikationsdienste? Einordnung von Videokonferenzen in TKG, TTDSG und DS-GVO [Video conferences as telecommunication services? Categorisation of video conferencing under the Telecommunications Act, the Telecommunications and Telemedia Data Protection Act and the GDPR] • The article categorizes supply and use of video conferencing and explains the application of the different provisions and of the principle of confidentiality of telecommunications as well as the competence of data protection authorities. Neue Juristische Wochenschrift 2023, p. 400 ff.

The Bavarian Data Protection Commissioner

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