



## Privacy in Bavaria

News for the Bavarian public sector

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**European Court of Justice, judgement of 11 July 2024, C-461/22** • Former professional custodian as controller, in particular with regard to the right of access under Art. 15 GDPR. | <https://curia.europa.eu>

**European Court of Justice, judgement of 20 June 2024, C-590/22** • Art. 82 GDPR: non-material damage in the event of temporary loss of control; assessment of damages, compensatory function instead of punitive function. | <https://curia.europa.eu>

**European Court of Justice, judgement of 20 June 2024, C-182/22 und C-189/22** • Art. 82 GDPR: compensation must be full and effective, but only covers proven (not presumed) damages. <https://curia.europa.eu>

**European Court of Justice, judgement of 7 May 2024, C-312/23** • A request pursuant to Art. 15 (3) GDPR does not have to be based on the purposes stated in recital 63 sentence 1 GDPR. <https://curia.europa.eu>

**Federal Administrative Court, judgement of 20 March 2024, 6 C 8.22** • Fundamental questions regarding the understanding of general processing authorizations, in particular necessity, purpose limitation and data minimisation; knowledge of the applicant's identity as a prerequisite for requests under the Freedom of Information Act. | <https://www.bundesverwaltungsgericht.de>

**Federal Fiscal Court, judgement of 7 May 2023, IX R 21/21** • On access to files and the right to access under Art. 15 GDPR in the area of the Fiscal Code [Abgabenordnung]; burden of proof on the data subject to demonstrate that a document copy can (exceptionally) be requested under Art. 15 (3) GDPR. | <https://www.bundesfinanzhof.de>

**Federal Fiscal Court, judgement of 12 December 2023, IX R 33/21** • Scope of judicial review in the event of a negative appeal decision. | <https://www.bundesfinanzhof.de>

**Federal Social Court, judgement of 29 February 2024, B 8 SO 2/23 R** • Complaints procedure pursuant to Art. 77 GDPR as an administrative procedure (within the meaning of national administrative procedural law); entitlement to supervisory authority intervention; scope of judicial review in the event of a negative appeal decision. | <https://www.bsg.bund.de>

**Supreme Administrative Court (Austria), decision of 17 May 2024, Ra 2023/04/0005** • On the interpretation of the term "special categories of personal data" in Art. 9 GDPR, here: ideological convictions based on the probability of assignment to a so-called Sinus-Geo-Milieu (target group typology). <https://www.ris.bka.gv.at>

**Federal Administrative Court (Austria), decision of 1 March 2024, W101 2273389-1** • On the interpretation of "inaccuracy" in Art. 16 GDPR, here: alternative spellings of the surname due to different translators. | <https://www.ris.bka.gv.at>

**Federal Administrative Court (Austria), decision of 23 February 2024, W211 2262850-2** • On the scope of the right of access under Art. 15 GDPR. | <https://www.ris.bka.gv.at>