



## Privacy in Bavaria

News for the Bavarian public sector

No. 8\_2024 | 12 November 2024

**EDPB, Guidelines 2/2023 on Technical Scope of Art. 5(3) ePrivacy Directive** • Version 2.0. **Guidelines 1/2024 on processing of personal data based on Article 6(1)(f) GDPR** • Version 1.0, public consultation. | **Opinion 22/2024 on certain obligations following from the reliance on processor(s) and sub-processor(s)** • Opinion on the obligations of controllers when engaging processors and sub-processors, in particular regarding information on the identity of all (sub-)processors, measures to protect data subjects and third country transfers. | **Work Programme 2024–2025**.  
<https://www.edpb.europa.eu>

**European Court of Justice, judgement of 4 October 2024, C-446/21** • The principle of data minimisation precludes unlimited and indiscriminate aggregation, analysis and processing of personal data for the purpose of targeted advertising; on the permissibility of processing special categories of personal data pursuant to Art. 9 (2) (e) GDPR. | <https://curia.europa.eu>

**European Court of Justice, judgement of 4 October 2024, C-21/23** • The term “data concerning health” is to be interpreted broadly (here: data in connection with an online order of medical products).  
<https://curia.europa.eu>

**European Court of Justice, judgement of 4 October 2024, C-507/23** • Compensation under Art. 82 (1) GDPR: apology as appropriate compensation for non-material damage; non-consideration of the attitude and motives of the controller. | <https://curia.europa.eu>

**European Court of Justice, judgement of 12 September 2024, C-17/22 und C-18/22** • A legal obligation (Art. 6 (1) (1) (c) GDPR) may also result from the clarification of the law of the Member State by the case-law of that Member State, on condition that this case-law is clear and precise, its application is foreseeable for those persons subject to it and it meets an objective of public interest and is proportionate to it. | <https://curia.europa.eu>

**Bavarian Supreme Court, order of 15 January 2024, 204 VAs 177/23** • On the question of whether section 474 (2) Code of Criminal Procedure [Strafprozeßordnung] permits the transfer of data from a public prosecutor’s office to a diocese of the Roman Catholic Church for the purpose of conducting canonical proceedings against a priest; detailed discussion of the public status of the Church.  
<https://www.gesetze-bayern.de>

**Munich Higher Regional Court (Bavaria), judgement of 31 July 2024, 7 U 351/23 e** • On the question of the conditions under which data protection violations can justify the termination of a management board employment contract without notice. | <https://www.gesetze-bayern.de>

**Karlsruhe Administrative Court (Baden-Wuerttemberg), judgement of 16 July 2024, 8 K 3735/22** • Data processing by the Integration Office. | <https://www.landesrecht-bw.de>

**Federal Administrative Court (Austria), decision of 19 August 2024, W108 2286821-1** • Data contained in the information from the vehicle registration record is personal data (here: use of a vehicle registration number to identify the person responsible for an unauthorised waste disposal).  
<https://www.ris.bka.gv.at>

**The Bavarian Data Protection Commissioner**

80538 München | Wagnmüllerstraße 18 | Phone: +49 89 21 26 72-0

[poststelle@datenschutz-bayern.de](mailto:poststelle@datenschutz-bayern.de) | <https://www.datenschutz-bayern.de>