



Privacy in Bavaria

News for the Bavarian public sector

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European Court of Justice, judgement of 30 April 2025, C-313/23, C-316/23 and C-332/23

Interpretation of the exceptions in Art. 2 GDPR; role under data protection law of a court authorising the processing of personal data at the request of a public authority.

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62023CJ0313>

European Court of Justice, judgement of 3 April 2025, C-710/23

Processing of personal data in case of mandatory disclosure of information concerning a legal person's representative.

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62023CJ0710>

General Court of the European Union, order of 29 April 2025, T-319/24

On the binding effect and contestability of opinions of the EDPB pursuant to Art. 64 (2) GDPR (here: action for annulment by Meta Platforms Ireland Ltd. against EDPB Opinion 08/2024 on 'Valid Consent in the Context of Consent or Pay Models Implemented by Large Online Platforms').

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62024TO0319>

Federal Court of Justice, judgement of 11 February 2025, VI ZR 365/22

Art. 82 (1) GDPR: Loss of control due to unauthorised administration of personnel files of federal civil servants by state (Länder) employees as damage; rationale of section 839 (3) Civil Code [Bürgerliches Gesetzbuch], which provides that liability does not apply if the injured person failed to avert the damage by taking recourse to legal remedies, is not applicable to EU law claims under Art. 82 (1) GDPR.

<https://juris.bundesgerichtshof.de/cgi-bin/rechtsprechung/document.py?Gericht=bgh&Art=en&nr=141380>

Bavarian Higher Administrative Court, judgement of 17 March 2025, 4 B 24.504

Unlawful processing of personal data in a closed municipal council meeting, the council minutes and the municipal bulletin; distinction between expression of opinion and assertion of facts; requirements for the implementation of the concerned person's right to revocation and rectification (here: public law claim for the reversal of the direct consequences of an unlawful action).

<https://www.gesetze-bayern.de/Content/Document/Y-300-Z-BECKRS-B-2025-N-5908>

Hamburg Higher Administrative Court, order of 24 April 2025, 3 Bs 16/25

Limitation of the right to information under press law by the principle of tax secrecy.

<https://www.landesrecht-hamburg.de/bsha/document/NJRE001607085>

Düsseldorf Administrative Court, order of 17 February 2025, 29 L 3128/24

General processing authorisation (comparable to Art. 4 (1) Bavarian Data Protection Act [Bayerisches Datenschutzgesetz]) as a legal basis for the use of digital orthophotographs (resolution: 1 pixel corresponding to 7 cm × 7 cm in nature) for the purpose of collecting rainwater drainage fees (affirmed; different than the Bavarian case law concerning the use of high-resolution drone photographs, see Privacy in Bavaria 3_2024).

https://nrwe.justiz.nrw.de/ovgs/vg_duesseldorf/j2025/29_L_3128_24_Beschluss_20250217.html

Federal Labour Court, judgement of 28 January 2025, 9 AZR 48/24

Concerning, inter alia, the necessity of data processing for the purpose of issuing digital pay slips.

<https://www.bundesarbeitsgericht.de/entscheidung/9-azr-48-24/>

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