



Privacy in Bavaria

News for the Bavarian public sector

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Court of Justice of the European Union, judgement of 20 October 2022, C-306/21 • The processing of personal data in connection with elections in a member state is not excluded from the scope of the GDPR. | <https://curia.europa.eu>

Federal Constitutional Court, order of 28 September 2022, 1 BvR 2354/13 • Requirements of a legal basis for transmission of personal data collected with intelligence service means from a domestic intelligence service agency to other public authorities (in particular: certainty, clarity, proportionality; recording of the transmission). | <https://www.bundesverfassungsgericht.de>

Federal Administrative Court, judgement of 1 September 2022, 10 C 5.21 • Limitation of access to information based on environmental information law when personal data are concerned (employees of public authorities and associations who have participated in a process of standards development); application of the criterion of relevance in section 9 (1) 1 no. 1 (Federal) Environmental Information Act (deviating regulation in Article 8 (1) no. 1 Bavarian Environmental Information Act). <https://www.bverwg.de>

High Administrative Court of North Rhine-Westphalia, order of 30 June 2022, 4 B 1864/21 • On the question if a general state law basis for the processing of data can legitimate the notification of objectively recognisable indications for a crime from an administrative authority to a prosecution authority; consequences for an injunction of the data subject under public law. <https://www.justiz.nrw/BS/nrwe2>

Bremen Administrative Court, judgement of 10 October 2022, 4 K 1338/21 • Article 6 (1) 1 (f) GDPR not applicable to secret recording and publication of videos of a public videoconference of an advisory board (municipal committee under local law of the City of Bremen); legality of an order of erasure of the data protection supervisory authority. | <https://www.datenschutz.bremen.de> (judgement with press release)

Higher labour court of Lower Saxony, judgement of 6 July 2022, 8 Sa 1148/20 • Electronic access registration system and video footage as evidence for dismissal due to working time fraud; opposing works agreement and operational concept of the video system; exclusion of evidence for infringement of general right of personality (case in the private sector). <https://www.rechtsprechung.niedersachsen.de>

Kastelitz/Gamper, Verarbeitung von Protokolldaten: datenschutzrechtliches "Must-have", "Nice-to-have" oder "No-Go"? [Processing of log data: "Must-have", "Nice-to-have" or "No-Go" with regard to data protection?] • Article on data protection in connection with recording for different purposes, in particular on the legal requirements for the recording of personal log data and on the evaluation of and access to the data taking into account case law and publications from Austria and Germany. | [jusIT 2022, S. 141 ff.](#)

Datenschutz und Datensicherheit, issue 10/2022, focus topic "Sovereign clouds for the public sector" • Articles inter alia on the cloud paradigm in public administration (p. 605 ff.), on Germany's government cloud strategy (p. 611 ff.) and on the Sovereign Cloud Stack (p. 616 ff.).

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