



## Privacy in Bavaria

News for the Bavarian public sector

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### **The Bavarian Data Protection Commissioner, 32<sup>nd</sup> Annual report 2022**

<https://www.datenschutz-bayern.de>, section „Tätigkeitsberichte“

### **The Bavarian Data Protection Commissioner, International data transfers [Internationale Daten-transfers]** • Guidelines for the Bavarian public sector on the application of Art. 44 ff. GDPR.

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

### **EDPB, Guidelines 5/2022 on the use of facial recognition technology in the area of law enforcement** • EDPB has published version 2.0 of the guidelines after public consultation. | <https://edpb.europa.eu>

### **Court of Justice of the European Union, judgement of 2 March 2023, C-268/21** • Applicability of the GDPR on a judicial production order under national civil procedure law; principle of data minimisation. | <https://curia.europa.eu>

### **General Court of the European Union, judgement of 26 April 2023, T-557/20** • On the requirements for qualifying pseudonymised data as personalised data, if the data recipient is currently not able to remove the pseudonymisation (case in connection with Regulation [EU] 2018/1725). | <https://curia.europa.eu>

### **High Administrative Court of Bavaria, decision of 15 May 2023, 7 CE 23.666** • Requirement of publication in connection with penalty orders; access to information under Art. 4 Bavarian Press Act [Bayerisches Pressegesetz]. | <https://www.gesetze-bayern.de>

### **High Administrative Court of Bavaria, judgement of 30 May 2023, 5 BV 20.2104** • Legitimacy of a video surveillance under Art. 24 Bavarian Data Protection Act [Bayerisches Datenschutzgesetz], in particular significance of a documentation of incidents (appeal decision in the case “Passau monastery garden” [„Passauer Klostergarten“]). | <https://www.gesetze-bayern.de>

### **Berlin Administrative Court, judgement of 7 February 2023, 26 K 502.19** • Appraisal of a full time data protection officer employed as a civil servant instead of fictitious tracing. | <https://gesetze.berlin.de>

### **Baden-Wuerttemberg Higher Labour Court, decision of 29 March 2023, 12 Sa 3/23** • Multiple unauthorised access of an employee to personnel data of other employees may justify a termination without notice. | <https://www.landesrecht-bw.de>

### **Federal Administrative Court (Austria), decision of 16 May 2023, W245 2263873-1** • Example of auditing the legitimacy of a video surveillance solely on the basis of the GDPR when there is no legal basis under national law. | <https://www.ris.bka.gv.at>

### **Federal Administrative Court (Austria), decision of 21 April 2023, W245 2236756-1** • On the question of classifying the social security number as health data according to Art. 9 (1) GDPR. | <https://www.ris.bka.gv.at>

### **Steinrötter, Relation of Data Act and GDPR [Verhältnis von Data Act und DS-GVO]** • Critical analysis of the competition of the planned regulation on harmonised rules on fair access to and use of data on the one hand and the GDPR on the other. | GRUR 2023, p. 216 ff.

### **The Bavarian Data Protection Commissioner**

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