



Privacy in Bavaria

News for the Bavarian public sector

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The Bavarian Data Protection Commissioner, 34th Activity Report 2024

<https://www.datenschutz-bayern.de/tbs/tb34.html>

EDPB, Joint Guidelines on the Interplay between the Digital Markets Act and the General Data Protection Regulation • Public consultation ongoing.

https://www.edpb.europa.eu/our-work-tools/documents/public-consultations/2025/joint-guidelines-interplay-between-digital_en

Higher Social Court North Rhine-Westphalia, judgement of 25 March 2025, L 18 R 511/23

Action for access under Art. 15 GDPR within the scope of section 83 Social Code Book X [Zehntes Buch Sozialgesetzbuch] constitutes an enforcement action.

https://nrwe.justiz.nrw.de/sgs/lsg_nrw/j2025/L_18_R_511_23_Urteil_20250325.html

Hamm Higher Regional Court, order of 15 July 2025, 26 W 18/25

Personal perception and memory thereof do not constitute "processing" (Art. 2 (1) GDPR).

beck-online, GRUR-RS 2025, 24552 (no free access)

Hamburg Regional Court, order of 23 September 2025, 324 O 461/25

Injunctive relief against the operator of an account on X for violation of the general right of personality by virtue of a procedurally inaccurate factual assertion generated by artificial intelligence.

beck-online, GRUR-RS 2025, 27056 (no free access)

Munich Regional Court, order of 27 August 2025, 33 O 635/25

Art. 82 GDPR: Abstract fear of access to personal data by foreign authorities does not constitute damage in the sense of data protection law.

<https://www.gesetze-bayern.de/Content/Document/Y-300-Z-GRURRS-B-2025-N-25358>

Federal Finance Court, judgement of 15 July 2025, IX R 25/24

Procedural right of access to files and right of access under Art. 15 GDPR in relation to the content of an anonymous report; balancing of the public authority's confidentiality interest based on the fulfilment of its tasks and the protection of the identity of the person making the report under section 30 Fiscal Code [Abgabenordnung] against the taxpayer's information interest.

<https://www.bundesfinanzhof.de/de/entscheidung/entscheidungen-online/detail/STRE202520257/>

Federal Administrative Court (Austria), judgement of 18 July 2025, W292 2235791-1

Art. 15 GDPR: Scope of the right of access regarding recipients of personal data.

https://www.ris.bka.gv.at/Dokumente/Bwmg/BWWT_20250718_W292_2235791_1_00/BWWT_20250718_W292_2235791_1_00.pdf

Die Öffentliche Verwaltung, Focus topic "Regulation of artificial intelligence" [Regulierung der Künstlichen Intelligenz], issue 11/2025

Including contributions by Lindner/Bode, The significance of the European Union's AI Regulation for school law [Die Bedeutung der KI-VO der Europäischen Union für das Schulrecht] (p. 462 ff.) and Kasper, Public administration within the framework of the AI regulation – considerations for operating, using, and supervising AI systems [Die Verwaltung in der KI-Regulierung – Gesichtspunkte bei Betreiben, Nutzen und Beaufsichtigung von KI-Systemen] (p. 471 ff.).

The Bavarian Data Protection Commissioner

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