

Recent case law on privacy and data protection



EDPS-DPO meeting, 27 November 2024 Luxembourg

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Case 1

To act or not to act?



Question

1. 'Are Article 57(1)(a) and (f), Article 58(2)(a) to (j) and Article 77(1) [of the GDPR], to be understood as meaning that, where the supervisory authority finds that data processing has infringed the data subject's rights, the supervisory authority must always take action in accordance with Article 58(2) [of that regulation]?'

C-768/21 Land Hessen

- **Opinion of the Advocate General of 11 April 2024**
- Protection of personal data: according to Advocate General Pikamäe, the supervisory authority has an obligation to act when it finds a breach in the course of investigating a complaint

C-768/21 Land Hessen - CJEU

- Where DPA finds an **infringement**, it is **required to react** appropriately in order to **remedy** the shortcoming found.
- The supervisory authority is required to take action where the **exercise of one or more of the corrective powers** is, taking into account all the circumstances of the specific case, **appropriate, necessary and proportionate** to remedy the shortcoming found and ensure that that regulation is **fully enforced**.
- **Exceptionally** and in the light of the particular circumstances of the **specific case**, the supervisory authority **may** refrain from exercising a corrective power even though a breach of personal data has been established.

Data protection rulings

See our new WIKI pages!

- CJEU Case Law Hub

The screenshot shows a Confluence Wiki page for 'CJEU Case Law Hub'. The page is created by Sophia HASSEL and last modified on Nov 25, 2024. It features a sidebar with navigation options like Blog, Tags, Boards, and Calendars. The main content area is organized by year, with sections for 2025 and 2024. Under 2025, there is a section for January with a bullet point for 'Bindl v Institutions, Commission [T-354/22]', which includes sub-points for 'Judgement scheduled 8 January 2025' and 'International transfers (US) + Compensation + EU Regulation 2018/1725 - EUDPR'. Under 2024, there is a section for December with a bullet point for 'Russmedia Digital and Inform Media Press [C-492/23]', which includes sub-points for 'AG Opinion scheduled 12 December 2024' and 'Non-material damages + Liability + E-Commerce Directive 2000/31/EC'. The page also has a 'November' section which is currently empty.

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Commented Regulation (EU) 2018/1725 and forum for DPOs of EUIs ★

Pages 🔒

CJEU Case Law Hub

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2025

January

- **Bindl v Institutions, Commission [T-354/22]**
 - Judgement scheduled 8 January 2025
 - *International transfers (US) + Compensation + EU Regulation 2018/1725 - EUDPR*

2024

December

- **Russmedia Digital and Inform Media Press [C-492/23]**
 - AG Opinion scheduled 12 December 2024
 - *Non-material damages + Liability + E-Commerce Directive 2000/31/EC*

November

C-169/23 Másdi



AG MEDINA **OPINION** OF
6 JUNE 2024



CJEU **JUDGMENT** ON 28
NOVEMBER 2024

C-169/23 Másdi -AG

(1) Article 14(5)(c) GDPR must be interpreted as meaning that the derogation from the obligation on the data controller to provide information to the data subject **applies to all data which the controller has not obtained from the data subject.**

It is not relevant, in that regard, whether the data are expressly obtained from another entity or if the data are generated by the controller in its own procedure.

(2) Article 77(1) GDPR must be interpreted as meaning that, in the context of a complaint procedure, the supervisory authority has the power to examine whether all the conditions laid down in Article 14(5)(c) of that regulation are complied with. More particularly, it has the **power to examine the question whether Member State law, to which the controller is subject, provides appropriate measures** to protect the data subject's legitimate interests.

(3) Article 14(5)(c) GDPR must be interpreted as meaning that the 'appropriate measures' referred to in that provision do not require the national legislature to transpose the measures relating to the security of the data laid down in Article 32 of that regulation.

Contact & questions



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