



Privacy in Bavaria

News for the Bavarian public sector

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Berlin-Brandenburg Higher Administrative Court, judgement of 13 May 2025, 12 B 14/23

Art. 15 GDPR: No right of access to the representation of the applicant in CCTV footage of public transportation; in particular application of Art. 11 and Art. 15 (4) GDPR.

<https://gesetze.berlin.de/bsbe/document/NJRE001610898>

Saarland Higher Administrative Court, judgement of 13 May 2025, 2 A 165/24 and 5 K 979/22

Waiver of the right of access under Art. 15 GDPR by virtue of a court settlement; effects on a complaint procedure before the data protection authority.

<https://recht.saarland.de/bssl/document/NJRE001609667>

Federal Finance Court, judgement of 8 April 2025, IX R 8/24

Procedural right to inspection of files and right of access (pursuant to Art. 15 GDPR) as separate subject matters of dispute; alteration of action inadmissible for lack of adverse effect where the plaintiff has only filed an application for the inspection of files with the public authority, but not for access under Art. 15 GDPR.

<https://www.bundesfinanzhof.de/de/entscheidung/entscheidungen-online/detail/STRE202550088>

Federal Finance Court, judgement of 11 March 2025, IX R 24/22

Art. 15 GDPR: Personal data subject to disclosure may also be contained in internal notes, memoranda, file processing notes or other forms of internal communication.

<https://www.bundesfinanzhof.de/de/entscheidung/entscheidungen-online/detail/STRE202520114>

Federal Finance Court, judgement of 11 March 2025, IX R 23/22

Conditions for requests by the data subject if contextual information is requested in addition to personal data under Art. 15 (3) GDPR; possession of information does not exclude the right of access.

<https://www.bundesfinanzhof.de/de/entscheidung/entscheidungen-online/detail/STRE202520113>

Interdiocesan Data Protection Tribunal (Roman Catholic Church), order of 26 May 2025, IDSG 26/2022

Destruction of a file on accompanied contact as a violation of ecclesiastical data protection law if a data subject has a legitimate interest in the storage of data contained therein.

https://www.dbk.de/fileadmin/redaktion/diverse_downloads/weitere_einrichtungen/

Datenschutzgericht/IDSG_26_2022_Beschluss_vom_26.5.2025_anonymisierte_Fassung.pdf

Current contributions on the legal framework for Artificial Intelligence (in German language) • Juristenzeitung (no. 6/2025): Ringe/Kuhmann, Artificial intelligence and liability in private law [Künstliche Intelligenz und Haftung im Zivilrecht] (p. 227 ff.); Denga/Walsh, "Fair, reasonable and non-discriminatory" – AI services, contract law and the FRAND principles [„Fair, reasonable and non-discriminatory“ – KI-Dienstleistungen, Vertragsrecht und die FRAND-Prinzipien] (p. 243 ff.); Jung, Artificial intelligence in jurisprudence [Künstliche Intelligenz in der Rechtswissenschaft] (p. 252 ff.). | Datenschutz und Datensicherheit (no. 5/2025): Nebel/Geminn, The interplay between AI Act and GDPR [Das Zusammenspiel von KI-VO und DS-GVO] (p. 279 ff.); Keber/List, The admissibility of the use of AI models under data protection law [Die datenschutzrechtliche Zulässigkeit des Einsatzes von KI-Modellen] (p. 284 ff.); Bortnikov, Transparency in AI systems [Transparenz bei KI-Systemen] (p. 297 ff.); Halvani/Müller, Safety requirements for AI systems [Sicherheitsanforderungen an KI-Systeme] (p. 302 ff.).
