



European Court of Justice of the European Union

Case Law concerning Privacy and the
Protection of individuals with regard to the processing
of Personal Data

1. [ECJ: C-362/14- Schrems](#)
 Judgment of the Court (Grand Chamber) of 6 October 2015
 Maximilian Schrems v Data Protection Commissioner
 Reference for a preliminary ruling — Personal data — Protection of individuals with regard to the processing of such data — Charter of Fundamental Rights of the European Union — Articles 7, 8 and 47 — Directive 95/46/EC — Articles 25 and 28 — Transfer of personal data to third countries — Decision 2000/520/EC — Transfer of personal data to the United States — Inadequate level of protection — Validity — Complaint by an individual whose data has been transferred from the European Union to the United States — Powers of the national supervisory authorities

2. [European Court of Justice: C-201/14 - Bara and Others](#)
 Judgment of the Court (Third Chamber) of 1 October 2015
 Smaranda Bara and Others v Președintele Casei Naționale de Asigurări de Sănătate, Casa Națională de Asigurări de Sănătate, Agenția Națională de Administrare Fiscală (ANAF)
 Reference for a preliminary ruling — Directive 95/46/EC — Processing of personal data — Articles 10 and 11 — Data subjects' information — Article 13 — Exceptions and limitations — Transfer by a public administrative body of a Member State of personal tax data for processing by another public administrative body

3. [European Court of Justice: Joined cases C-141/12 and C-372/12 - YS and Others](#)
 Judgment of the Court (Third Chamber) of 17 July 2014.
 YS (C-141/12) v Minister voor Immigratie, Integratie en Asiel and Minister voor Immigratie, Integratie en Asiel (C-372/12) v M and S.
 References for a preliminary ruling: Rechtbank Middelburg, Raad van State - Netherlands.
 Protection of individuals with regard to the processing of personal data - Directive 95/46/EC - Articles 2, 12 and 13 - Concept of 'personal data' - Scope of the right of access of a data subject - Data relating to the applicant for a residence permit and legal analysis contained in an administrative document preparatory to the decision - Charter of Fundamental Rights of the European Union - Articles 8 and 41.

4. [European Court of Justice: C-683/13 - Pharmacontinente - Saúde e Higiene and Others](#)
 Order of the Court (Eighth Chamber) of 19 June 2014.
 Pharmacontinente - Saúde e Higiene SA and Others v Autoridade Para As Condições do Trabalho (ACT).
 Reference for a preliminary ruling: Tribunal do Trabalho da Covilhã - Portugal.
 Article 99 of the Rules of Procedure of the Court of Justice - Processing of personal data - Directive 95/46/EC - Article 2 - Concept of 'personal data' - Articles 6 and 7 - Principles relating to data quality and criteria for making data processing legitimate - Article 17 - Security of processing - Working time - Record of working time - Access by the national authority responsible for monitoring working conditions - Employer's obligation to make available the record of working time so as to allow its immediate consultation.

5. [European Court of Justice: C-131/12 – Google v Costeja González](#)
 Judgment of the Court (Grand Chamber) of 13 May 2014.
 Google Spain SL and Google Inc. v Agencia Española de Protección de Datos (AEPD) and Mario Costeja González.
 Reference for a preliminary ruling: Audiencia Nacional - Spain.
 Personal data - Protection of individuals with regard to the processing of such data - Directive 95/46/EC - Articles 2, 4, 12 and 14 - Material and territorial scope - Internet search engines - Processing of data contained on websites - Searching for, indexing and storage of such data - Responsibility of the operator of the search engine - Establishment on the territory of a Member State - Extent of that operator's obligations and of the data subject's rights - Charter of Fundamental Rights of the European Union - Articles 7 and 8.

6. [European Court of Justice: Joined cases C-293/12 and C-594/12 - Digital Rights Ireland, Seitlinger and Others](#)
 Judgment of the Court (Grand Chamber) of 8 April 2014.
 Digital Rights Ireland (C-293/12) v Minister for Communications, Marine and Natural Resources, Minister for Justice, Equality and Law Reform, Commissioner of the Garda Síochána, Ireland, The Attorney General, and Kärntner Landesregierung (C-594/12), Michael Seitlinger, Christof Tschohl and others.
 Electronic communications — Directive 2006/24/EC — Publicly available electronic communications services or public communications networks services — Retention of data generated or processed in connection with the provision of such services — Validity — Articles 7, 8 and 11 of the Charter of Fundamental Rights of the European Union.

7. [European Court of Justice: C-288/12 - Commission v Hungary](#)
 Judgment of the Court (Grand Chamber) of 8 April 2014.
 Commission v Hungary.
 Failure of a Member State to fulfil obligations — Directive 95/46/EC — Protection of individuals with regard to the processing of personal data and the free movement of such data — Article 28(1) — National supervisory authorities — Independence — National legislation prematurely bringing to an end the term served by the supervisory authority — Creation of a new supervisory authority and appointment of another person as head of that authority.

8. [General Court: T-214/11 - ClientEarth and PAN Europe v EFSA \(on appeal\)](#)
 Judgment of the General Court (Sixth Chamber) of 13 September 2013.
 ClientEarth and Pesticide Action Network Europe (PAN Europe) v European Food Safety Authority (EFSA).
 Access to documents - Regulation (EC) No 1049/2001 - Names of experts who submitted comments on a guidance document relating to the scientific documents to be included in applications for authorisation to place plant protection products and the active substances contained in those products on the market - Refusal of access - Exception concerning protection of privacy and the integrity of the individual - Protection of personal data - Regulation (EC) No 45/2001 - Obligation to state reasons.

9. [European Court of Justice: C-486/12 – X](#)
Judgment of the Court (Eighth Chamber) of 12 December 2013.
Proceedings brought by X.
Reference for a preliminary ruling: Gerechtshof te 's-Hertogenbosch - Netherlands.
Protection of individuals with regard to the processing of personal data - Directive 95/46/EC - Conditions for exercising a right of access - Levying of excessive fees.
10. [European Court of Justice: C-473/12 – IPI](#)
Judgment of the Court (Third Chamber) of 7 November 2013.
Institut professionnel des agents immobiliers (IPI) v Geoffrey Englebert and Others.
Reference for a preliminary ruling: Cour constitutionnelle - Belgium.
Processing of personal data - Directive 95/46/EC - Articles 10 and 11 - Obligation to inform - Article 13(1)(d) and (g) - Exceptions - Scope of exceptions - Private detectives acting for the supervisory body of a regulated profession - Directive 2002/58/EC - Article 15(1).
11. [European Court of Justice: C-342/12 – Worten](#)
Judgment of the Court (Third Chamber) of 30 May 2013.
Worten - Equipamentos para o Lar SA v Autoridade para as Condições de Trabalho (ACT).
Reference for a preliminary ruling: Tribunal do Trabalho de Viseu - Portugal.
Processing of personal data - Directive 95/46/EC - Article 2 - Concept of ‘personal data’ - Articles 6 and 7 - Principles relating to data quality and criteria for making data processing legitimate - Article 17 - Security of processing - Working time - Record of working time - Access by the national authority responsible for monitoring working conditions - Employer’s obligation to make available the record of working time so as to allow its immediate consultation.
12. [European Court of Justice: C-291/12 – Schwarz](#)
Judgment of the Court (Fourth Chamber) of 17 October 2013.
Michael Schwarz v Stadt Bochum.
Reference for a preliminary ruling: Verwaltungsgericht Gelsenkirchen - Germany.
Reference for a preliminary ruling - Area of freedom, security and justice - Biometric passport - Fingerprints - Regulation (EC) No 2252/2004 - Article 1(2) - Validity - Legal basis - Procedure for adopting - Articles 7 and 8 of the Charter of Fundamental Rights of the European Union - Right to respect for private life - Right to the protection of personal data - Proportionality.
13. [European Court of Justice: C-119/12 Josef Probst v mr.nexnet GmbH](#)
Electronic communications - Directive 2002/58/EC - Article 6(2) and (5) - Processing of personal data - Traffic data necessary for billing and debt collection - Debt collection by a third company - Persons acting under the authority of the providers of public communications networks and electronic communications services.

14. [European Court of Justice: C-614/10 European Commission v Republic of Austria \(judgement of 16 October 2012\)](#)
Failure of a Member State to fulfil obligations - Directive 95/46/EC - Processing of personal data and free movement of such data - Protection of natural persons - Article 28(1) - National supervisory authority - Independence - Supervisory authority and the Federal Chancellery - Personal and organisational links

15. [European Court of Justice: T-190/10 - Egan and Hackett v Parliament](#)
Judgment of the General Court (Fifth Chamber) of 28 March 2012.
Kathleen Egan and Margaret Hackett v European Parliament.
Access to documents - Regulation (EC) No 1049/2001 - Registers of assistants to former members of the European Parliament - Refusal of access - Exception relating to the protection of privacy and the integrity of the individual - Protection of individuals with regard to the processing of personal data - Regulation (EC) No 45/2001.

16. [European Court of Justice: Joined Cases C-468/10 and C-469/10 - Asociación Nacional de Establecimientos Financieros de Crédito \(ASNEF\) \(C-468/10\), Federación de Comercio Electrónico y Marketing Directo \(FECEDM\) \(C-469/10\) v Administración del Estado \(judgement of 24 November 2011\)](#)
Processing of personal data – Directive 95/46/EC – Article 7(f) – Direct effect

17. [European Court of Justice: T-82/09 - Dennekamp v Parliament](#)
Judgment of the General Court (Second Chamber) of 23 November 2011.
Gert-Jan Dennekamp v European Parliament.
Access to documents - Regulation (EC) No 1049/2001 - Documents relating to the affiliation of certain Members of the European Parliament to the additional pension scheme - Refusal to grant access - Exception relating to the protection of privacy and the integrity of the individual - Article 8(b) of Regulation (EC) No 45/2001 - Transfer of personal data.

18. [European Court of Justice: C-461/10 - Bonnier Audio AB, Earbooks AB, Norstedts Förlagsgrupp AB, Piratförlaget AB, Storyside AB v Perfect Communication Sweden AB](#)
Copyright and related rights – Processing of data by internet – Infringement of an exclusive right – Audio books made available via an FTP server via internet by an IP address supplied by an internet service provider – Injunction issued against the internet service provider ordering it to provide the name and address of the user of the IP address

19. [European Court of Justice: C-70/10 - Scarlet Extended SA v Société belge des auteurs, compositeurs et éditeurs SCRL \(SABAM\) \(judgement of 24 November 2011\)](#)
Information society – Copyright – Internet – ‘Peer-to-peer’ software – Internet service providers – Installation of a system for filtering electronic communications in order to prevent file sharing which infringes copyright – No general obligation to monitor information transmitted

20. [European Union Civil Service Tribunal: F-46/09 - ACTION under Articles 236 EC and 152 EA, Candidate for a post as a member of the contract staff at the European Parliament, residing in Brussels \(Belgium\) v European Parliament \(judgement of 05 July 2011\)](#)
Civil service – Contract staff – Conditions of engagement – Whether physically fit – Pre-recruitment medical examination – Protection of individuals with regard to the processing of personal data – Medical confidentiality – Transfer of medical data between institutions – Right to respect for private life
21. [European Court of Justice: C-92/09 and C-93/09 - Volker und Markus Schecke GbR \(C-92/09\), Hartmut Eifert \(C-93/09\) v Land Hessen \(judgement of 9 November 2010\)](#)
Protection of natural persons with regard to the processing of personal data - Publication of information on beneficiaries of agricultural aid - Validity of the provisions of European Union law providing for that publication and laying down detailed rules for such publication - Charter of Fundamental Rights of the European Union - Articles 7 and 8 - Directive 95/46/EC - Interpretation of Articles 18 and 20.
22. [European Court of Justice: C-28/08 P - European Commission v The Bavarian Lager Co. Ltd, European Data Protection Supervisor \(judgement of 29 June 2010\)](#)
Appeal - Access to the documents of the institutions - Document concerning a meeting held in the context of a procedure for failure to fulfil obligations - Protection of personal data - Regulation (EC) No 45/2001 - Regulation (EC) No 1049/2001
23. [European Court of Justice: C-518/07 European Commission supported by European Data Protection Supervisor v Federal Republic of Germany \(judgement of 9 March 2010\)](#)
Failure of a Member State to fulfil obligations - Directive 95/46/EC - Protection of individuals with regard to the processing of personal data and the free movement of such data - Article 28(1) - National supervisory authorities - Independence - Administrative scrutiny of those authorities.
24. [European Court of Justice: C-553/07 College van burgemeester en wethouders van Rotterdam v M.E.E. Rijkeboer Netherlands \(judgement of 7 May 2009\)](#)
Protection of individuals with regard to the processing of personal data - Directive 95/46/EC - Respect for private life - Erasure of data - Right of access to data and to information on the recipients of data - Time-limit on the exercise of the right to access.
25. [European Court of Justice: C-557/07 \(order of the Court of 19 February 2009 \(reference for a preliminary ruling from the Oberster Gerichtshof \(Austria\)\)\)](#)
LSG-Gesellschaft zur Wahrnehmung von Leistungsschutzrechten GmbH v Tele2 Telecommunication GmbH "Article 104, paragraph 3 of the Rules of Procedure - Information society - Copyright and related right - Retention and disclosure of certain traffic data - Protecting the confidentiality of electronic communication - 'Intermediaries' within the meaning of Article 8, paragraph 3 of Directive 2001/29/EC.

26. [Court of First Instance: T-259/03 \(judgment of 12 September 2007\) Nikolaou v Commission](#)
 Non-contractual liability - Inquiry of the European Anti-Fraud Office (OLAF) concerning a Member of the Court of Auditors - Divulgence of information - Protection of personal information - Access to the inquiry file and to OLAF's report - Sufficiently serious breach of the rules of law conferring rights on individuals - Causal link - Loss) / Re: Action for damages, pursuant to the second paragraph of Article 288 EC, for the loss suffered by the applicant following publication of information concerning an inquiry carried out concerning her by the European Anti-Fraud Office (OLAF) and OLAF's refusal to grant her access to the inquiry file and to supply her with a copy of its final report.
27. [European Court of Justice: C-524/06 Heinz Huber v Bundesrepublik Germany \(judgment of 16 December 2008\)](#)
 Protection of personal data - European citizenship - Principle of non-discrimination on grounds of nationality - Directive 95/46/EC - Concept of necessity - General processing of personal data relating to citizens of the Union who are nationals of another Member State - Central register of foreign nationals
28. [European Court of Justice: C-73/07 Tietosuojavaltuutettu v Satakunnan Markkinapörssi Oy, Satamedia Oy \(judgment of 16 December 2008\)](#)
 Directive 95/46/EC - Scope - Processing and flow of tax data of a personal nature - Protection of natural persons - Freedom of expression
29. [European Court of Justice: Case C-275/06 \(Judgment of 29 January 2008\) /Reference for a preliminary ruling from the Juzgado de lo Mercantil No 5 de Madrid - Spain/ Productores de Música de España \(Promusicae\) v Telefónica de España SAU](#)
 Information society - Obligations of providers of services - Retention and disclosure of certain traffic data - Obligation of disclosure - Limits - Protection of the confidentiality of electronic communications - Compatibility with the protection of copyright and related rights - Right to effective protection of intellectual property
30. [European Court of Justice: Joined Cases C-317/04 and C-318/04 \(judgment of 30 May 2006\) / European Parliament v Council of the European Union](#)
 The court annuls the council decision concerning the conclusion of an agreement between the European Community and the United States of America on the processing and transfer of personal data and the Commission decision on the adequate protection of those data - Protection of individuals with regard to the processing of personal data - Air transport - Decision 2004/496/EC -Agreement between the European Community and the United States of America - Passenger Name Records of air passengers transferred to the United States Bureau of Customs and Border Protection - Directive 95/46/EC - Article 25 -Third countries - Decision 2004/535/EC - Adequate level of protection

31. [European Court of Justice: Joined Cases C-465/00, C-138/01 and C-139/01 \(Judgment of 20 May 2003\) / Reference for a preliminary ruling from the Verfassungsgerichtshof and Oberster Gerichtshof: Rechnungshof \(C-465/00\) v Österreichischer Rundfunk and Others and between Christa Neukomm \(C-138/01\), Joseph Lauermann \(C-139/01\) and Österreichischer Rundfunk](#)
Protection of individuals with regard to the processing of personal data - Directive 95/46/EC - Protection of private life - Disclosure of data on the income of employees of bodies subject to control by the Rechnungshof

32. [European Court of Justice: C-101/01 \(judgment of 6 November 2003\) / Reference for a preliminary ruling from the Göta hovrätt: Bodil Lindqvist](#)
Directive 95/46/EC - Scope - Publication of personal data on the internet - Place of publication - Definition of transfer of personal data to third countries - Freedom of expression - Compatibility with Directive 95/46 of greater protection for personal data under the national legislation of a Member State