



Case law

Selected case law of the European Court of Human Rights

Access to personal data

Gaskin v. the United Kingdom, No. 10454/83, 7 July 1989

Godelli v. Italy, No. 33783/09, 25 September 2012

K.H. and Others v. Slovakia, No. 32881/04, 28 April 2009

Leander v. Sweden, No. 9248/81, 26 March 1987

M.K. v. France, No. 19522/09, 18 April 2013

Odièvre v. France [GC], No. 42326/98, 13 February 2003

Balancing data protection with freedom of expression and the right to information

Axel Springer AG v. Germany [GC], No. 39954/08, 7 February 2012

Bohlen v. Germany, No. 53495/09, 19 February 2015

Coudec and Hachette Filipacchi Associés v. France [GC], No. 40454/07, 10 November 2015

Magyar Helsinki Bizottság v. Hungary [GC], No. 18030/11, 8 November 2016

Müller and Others v. Switzerland, No. 10737/84, 24 May 1988

Vereinigung bildender Künstler v. Austria, No. 68345/01, 25 January 2007

Von Hannover v. Germany (No. 2) [GC], Nos. 40660/08 and 60641/08, 7 February 2012

Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland, No. 931/13, 27 June 2017

Balancing data protection with freedom of religion

Sinan Işık v. Turkey, No. 21924/05, 2 February 2010

Challenges in online data protection

K.U. v. Finland, No. 2872/02, 2 December 2008

Consent of the data subject

Elberte v. Latvia, No. 61243/08, 13 January 2015

Sinan Işık v. Turkey, No. 21924/05, 2 February 2010

Y v. Turkey, No. 648/10, 17 February 2015

Correspondence

Amann v. Switzerland [GC], No. 27798/95, 16 February 2000

Association for European Integration and Human Rights and Ekimdzhev v. Bulgaria, No. 62540/00, 28 June 2007

Bernh Larsen Holding AS and Others v. Norway, No. 24117/08, 14 March 2013

Cemalettin Canli v. Turkey, No. 22427/04, 18 November 2008

D.L. v. Bulgaria, No. 7472/14, 19 May 2016

Dalea v. France, No. 964/07, 2 February 2010

Gaskin v. the United Kingdom, No. 10454/83, 7 July 1989

Haralambie v. Romania, No. 21737/03, 27 October 2009

Khelili v. Switzerland, No. 16188/07, 18 October 2011

Leander v. Sweden, No. 9248/81, 26 March 1987

Malone v. the United Kingdom, No. 8691/79, 2 August 1984

Rotaru v. Romania [GC], No. 28341/95, 4 May 2000

S. and Marper v. the United Kingdom [GC], Nos. 30562/04 and 30566/04, 4 December 2008

Shimovolos v. Russia, No. 30194/09, 21 June 2011

Silver and Others v. the United Kingdom, Nos. 5947/72, 6205/73, 7052/75, 7061/75, 7107/75, 7113/75, 25 March 1983

The Sunday Times v. the United Kingdom, No. 6538/74, 26 April 1979

Criminal record databases

Aycaguer v. France, No. 8806/12, 22 June 2017

B.B. v. France, No. 5335/06, 17 December 2009

Brunet v. France, No. 21010/10, 18 September 2014

M.K. v. France, No. 19522/09, 18 April 2013

M.M. v. the United Kingdom, No. 24029/07, 13 November 2012

Data security

Haralambie v. Romania, No. 21737/03, 27 October 2009

K.H. and Others v. Slovakia, No. 32881/04, 28 April 2009

DNA databases

S. and Marper v. the United Kingdom [GC], Nos. 30562/04 and 30566/04, 4 December 2008

GPS data

Uzun v. Germany, No. 35623/05, 2 September 2010

Health data

Avilkina and Others v. Russia, No. 1585/09, 6 June 2013

Biriuk v. Lithuania, No. 23373/03, 25 November 2008

I v. Finland, No. 20511/03, 17 July 2008

L.H. v. Latvia, No. 52019/07, 29 April 2014

L.L. v. France, No. 7508/02, 10 October 2006

M.S. v. Sweden, No. 20837/92, 27 August 1997

Szuluk v. the United Kingdom, No. 36936/05, 2 June 2009

Y v. Turkey, No. 648/10, 17 February 2015

Z v. Finland, No. 22009/93, 25 February 1997

Identity

Ciubotaru v. Moldova, No. 27138/04, 27 April 2010

Godelli v. Italy, No. 33783/09, 25 September 2012

Odièvre v. France [GC], No. 42326/98, 13 February 2003

Information concerning professional activities

G.S.B. v. Switzerland, No. 28601/11, 22 December 2015

M.N. and Others v. San Marino, No. 28005/12, 7 July 2015

Michaud v. France, No. 12323/11, 6 December 2012

Niemietz v. Germany, No. 13710/88, 16 December 1992

Interception of communication

Amann v. Switzerland [GC], No. 27798/95, 16 February 2000
Brito Ferrinho Bexiga Villa-Nova v. Portugal, No. 69436/10, 1 December 2015
Copland v. the United Kingdom, No. 62617/00, 3 April 2007
Halford v. the United Kingdom, No. 20605/92, 25 June 1997
Iordachi and Others v. Moldova, No. 25198/02, 10 February 2009
Kopp v. Switzerland, No. 23224/94, 25 March 1998
Liberty and Others v. the United Kingdom, No. 58243/00, 1 July 2008
Malone v. the United Kingdom, No. 8691/79, 2 August 1984
Mustafa Sezgin Tanrikulu v. Turkey, No. 27473/06, 18 July 2017
Pruteanu v. Romania, No. 30181/05, 3 February 2015
Zsuluk v. the United Kingdom, No. 36936/05, 2 June 2009

Obligations for duty bearers

B.B. v. France, No. 5335/06, 17 December 2009
I v. Finland, No. 20511/03, 17 July 2008
Mosley v. the United Kingdom, No. 48009/08, 10 May 2011

Personal data

Amann v. Switzerland [GC], No. 27798/95, 16 February 2000
Uzun v. Germany, No. 35623/05, 2010
Bernh Larsen Holding AS and Others v. Norway, No. 24117/08, 14 March 2013

Photos

Sciacca v. Italy, No. 50774/99, 11 January 2005
Von Hannover v. Germany, No. 59320/00, 24 June 2004

Right to be forgotten

Segerstedt-Wiberg and Others v. Sweden, No. 62332/00, 6 June 2006
Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland, No. 931/13, 27 June 2017

Right to object

Leander v. Sweden, No. 9248/81, 26 March 1987
M.S. v. Sweden, No. 20837/92, 27 August 1997
Mosley v. the United Kingdom, No. 48009/08, 10 May 2011

Rotaru v. Romania [GC], No. 28341/95, 4 May 2000
Sinan Işık v. Turkey, No. 21924/05, 2 February 2010

Sensitive categories of data

Brunet v. France, No. 21010/10, 18 September 2014
I v. Finland, No. 20511/03, 17 July 2008
Michaud v. France, No. 12323/11, 6 December 2012
S. and Marper v. the United Kingdom [GC], Nos. 30562/04 and 30566/04, 4 December 2008

Supervision and enforcement (role of different actors, including supervisory authorities)

I v. Finland, No. 20511/03, 17 July 2008
K.U. v. Finland, No. 2872/02, 2 December 2008
Von Hannover v. Germany, No. 59320/00, 24 June 2004
Von Hannover v. Germany (No. 2) [GC], Nos. 40660/08 and 60641/08, 7 February 2012

Surveillance methods

Allan v. the United Kingdom, No. 48539/99, 5 November 2002
Association for European Integration and Human Rights and Ekimdzhev v. Bulgaria, No. 62540/00, 28 June 2007
Bărbulescu v. Romania [GC], No. 61496/08, 5 September 2017
D.L. v. Bulgaria, No. 7472/14, 19 May 2016
Dragojević v. Croatia, No. 68955/11, 15 January 2015
Karabeyoğlu v. Turkey, No. 30083/10, 7 June 2016
Klass and Others v. Germany, No. 5029/71, 6 September 1978
Rotaru v. Romania [GC], No. 28341/95, 4 May 2000
Szabó and Vissy v. Hungary, No. 37138/14, 12 January 2016
Taylor-Sabori v. the United Kingdom, No. 47114/99, 22 October 2002
Uzun v. Germany, No. 35623/05, 2 September 2010
Versini-Campinchi and Crasnianski v. France, No. 49176/11, 16 June 2016
Vetter v. France, No. 59842/00, 31 May 2005
Vukota-Bojić v. Switzerland, No. 61838/10, 18 October 2016
Roman Zakharov v. Russia [GC], No. 47143/06, 4 December 2015

Video surveillance

Köpke v. Germany, No. 420/07, 5 October 2010

Peck v. the United Kingdom, No. 44647/98, 28 January 2003

Voice samples

Wisse v. France, No. 71611/01, 20 December 2005

P.G. and J.H. v. the United Kingdom, No. 44787/98, 25 September 2001

Selected case law of the Court of Justice of the European Union

Case law related to the Data Protection Directive

C-13/16, *Valsts policijas Rīgas reģiona pārvaldes Kārtības policijas pārvalde v. Rīgas pašvaldības SIA 'Rīgas satiksme'*, 4 May 2017

[Lawful processing principle; legitimate interest pursued by a third party]

C-398/15, *Camera di Commercio, Industria, Artigianato e Agricoltura di Lecce v. Salvatore Manni*, 9 March 2017

[Right to erasure of personal data; right to object to processing]

Joined cases C-203/15 and C-698/15, *Tele2 Sverige AB v. Post- och telestyrelsen and Secretary of State for the Home Department v. Tom Watson and Others* [GC], 21 December 2016

[Confidentiality of electronic communications; providers of electronic communications services; obligation relating to the general and indiscriminate retention of traffic and location data; no prior review by a court or independent administrative authority; Charter of Fundamental Rights of the European Union; compatibility with EU law]

C-582/14, *Patrick Breyer v. Bundesrepublik Deutschland*, 19 October 2016

[Definition of 'personal data'; Internet protocol addresses; storage of data by an online media services provider; national legislation not permitting the legitimate interest pursued by the controller to be taken into account]

C-362/14, *Maximilian Schrems v. Data Protection Commissioner* [GC], 6 October 2015

[Lawful processing principle; fundamental rights; invalidity of the Safe Harbour Decision; powers of the independent supervisory authorities]

C-230/14, *Weltimmo s. r. o. v. Nemzeti Adatvédelmi és Információszabadság Hatóság*, 1 October 2015

[Powers of national supervisory authorities]

C-201/14, *Smaranda Bara and Others v. Casa Națională de Asigurări de Sănătate and Others*, 1 October 2015

[Right to be informed about processing of personal data]

C-212/13, *František Ryneš v. Úřad pro ochranu osobních údajů*, 11 December 2014
[Concept of “data processing” and “controller”]

C-473/12, *Institut professionnel des agents immobiliers (IPI) v. Geoffrey Englebert and Others*, 7 November 2013
[Right to be informed about processing of personal data]

T-462/12 R, *Pilkington Group Ltd v. European Commission*, Order of the President of the General Court, 11 March 2013

C-342/12, *Worten – Equipamentos para o Lar SA v. Autoridade para as Condições de Trabalho (ACT)*, 30 May 2013
[Concept of ‘personal data’; record of working time; principles relating to data quality and criteria for making data processing legitimate; 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]

Joined cases C-293/12 and C-594/12, *Digital Rights Ireland Ltd v. Minister for Communications, Marine and Natural Resources and Others and Kärntner Landesregierung and Others* [GC], 8 April 2014
[Violation of EU primary law by the Data Retention Directive; lawful processing; purpose and storage limitation]

C-288/12, *European Commission v. Hungary* [GC], 8 April 2014
[Legitimacy of removal of office of the national data protection supervisor]

Joined cases C-141/12 and C-372/12, *YS v. Minister voor Immigratie, Integratie en Asiel and Minister voor Immigratie, Integratie en Asiel v. M and S*, 17 July 2014
[Scope of the right of access of a data subject; protection of individuals with regard to the processing of personal data; concept of ‘personal data’; 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]

C-131/12, *Google Spain SL, Google Inc. v. Agencia Española de Protección de Datos (AEPD), Mario Costeja González* [GC], 13 May 2014
[Obligations of search engine providers to refrain, on request of the data subject, from showing personal data in the search results; applicability of the Data Protection Directive; concept of “data processing”; meaning of “controllers”; balancing data protection with freedom of expression; the right to be forgotten]

C-614/10, *European Commission v. Republic of Austria* [GC], 16 October 2012
[Independence of a national supervisory authority]

Joined cases C-468/10 and C-469/10, *Asociación Nacional de Establecimientos Financieros de Crédito (ASNEF) and Federación de Comercio Electrónico y Marketing Directo (FECEMD) v. Administración del Estado*, 24 November 2011
[Correct implementation of Article 7 (f) of the Data Protection Directive – “legitimate interests of others” – in national law]

C-360/10, *Belgische Vereniging van Auteurs, Componisten en Uitgevers CVBA (SABAM) v. Netlog NV*, 16 February 2012
[Obligation of social network providers to prevent unlawful use of musical and audio-visual works by network users]

C-70/10, *Scarlet Extended SA v. Société belge des auteurs, compositeurs et éditeurs SCRL (SABAM)*, 24 November 2011
[Information society; copyright; internet; ‘peer-to-peer’ software; Internet service providers; installation of a system for filtering electronic communications to prevent file sharing which infringes copyright; no general obligation to monitor information transmitted]

C-543/09, *Deutsche Telekom AG v. Bundesrepublik Deutschland*, 5 May 2011
[Necessity of renewed consent]

Joined cases C-92/09 and C-93/09, *Volker und Markus Schecke GbR and Hartmut Eifert v. Land Hessen* [GC], 9 November 2010
[Concept of “personal data”; proportionality of the legal obligation to publish personal data about the beneficiaries of certain EU agricultural funds]

C-553/07, *College van burgemeester en wethouders van Rotterdam v. M. E. E. Rijkeboer*, 7 May 2009
[Right of access of the data subject]

C-518/07, *European Commission v. Federal Republic of Germany* [GC], 9 March 2010
[Independence of a national supervisory authority]

C-73/07, *Tietosuojavaltuutettu v. Satakunnan Markkinapörssi Oy and Satamedia Oy* [GC], 16 December 2008
[Concept of ‘journalistic activities’ within the meaning of Article 9 Data Protection Directive]

C-524/06, *Heinz Huber v. Bundesrepublik Deutschland* [GC], 16 December 2008
[Legitimacy of holding data on foreigners in a statistical register]

C-275/06, *Productores de Música de España (Promusicae) v. Telefónica de España SAU* [GC], 29 January 2008
[Concept of “personal data”; obligation of internet access providers to disclose identity of users of KaZaA file exchange programmes to intellectual property protection association]

C-101/01, *Criminal proceedings against Bodil Lindqvist*, 6 November 2003
[Special categories of personal data]

Joined cases C-465/00, C-138/01 and C-139/01, *Rechnungshof v. Österreichischer Rundfunk and Others and Christa Neukomm and Joseph Laueremann v. Österreichischer Rundfunk*, 20 May 2003
[Proportionality of legal obligation to publish personal data about salaries of employees of certain categories of public sector related institutions]

C434/16, *Peter Nowak v. Data Protection Commissioner, Opinion of the Advocate General Kokott*, 20 July 2017
[Concept of personal data; access to one’s own examination script; examiner’s corrections]

C-291/12, *Michael Schwarz v. Stadt Bochum*, 17 October 2013
[Reference for a preliminary ruling; area of freedom, security and justice; biometric passport; fingerprints; legal basis; proportionality]

Case law related to Directive 2016/681

Opinion 1/15 of the Court (Grand Chamber), 26 July 2017
[Legal basis; draft agreement between Canada and the European Union on the transfer and processing of Passenger Name Record data; compatibility of the draft agreement with Article 16 TFEU and Articles 7 and 8 and Article 52 (1) of the Charter of Fundamental Rights of the European Union]

Case law related to the EU Institutions Data Protection Regulation

C-615/13 P, *ClientEarth, Pesticide Action Network Europe (PAN Europe) v. European Food Safety Authority (EFSA), European Commission*, 16 July 2015
[Access to documents]

C-28/08 P, *European Commission v. The Bavarian Lager Co. Ltd.* [GC], 29 June 2010
[Access to documents]

Case law related to Directive 2002/58/EC

C-536/15, *Tele2 (Netherlands) BV and Others v. Autoriteit Consument en Markt (AMC)*, 15 March 2017

[Principle of non-discrimination; making available personal data concerning subscribers for the purposes of the provision of publicly available directory enquiry services and directories; subscriber's consent; distinction on the basis of the Member State in which publicly available directory enquiry services and directories are provided]

Joined cases C-203/15 and C-698/15, *Tele2 Sverige AB v. Post- och telestyrelsen and Secretary of State for the Home Department v. Tom Watson and Others* [GC], 21 December 2016

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[Information society; copyright; internet; 'peer-to-peer' software; internet service providers; installation of a system for filtering electronic communications to prevent file sharing which infringes copyright; no general obligation to monitor information transmitted]

C-461/10, *Bonnier Audio AB, Earbooks AB, Norstedts Förlagsgrupp AB, Piratförlaget AB, Storyside AB v. Perfect Communication Sweden AB*, 19 April 2012

[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]