

Privacy Ticker

July 2025



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1. Changes in Legislation

+++ EU PLATFORM FOR ONLINE DISPUTE RESOLUTION SHUT DOWN +++

The EU Commission's online platform for out-of-court online dispute resolution (known as ODR platform) has been discontinued as of 20 July 2025. Launched 10 years ago, the platform served as a central contact point for consumers and businesses to resolve disputes arising from online purchase or service contracts without going to court. Businesses were previously required to provide a link to the ODR platform on their website and inform users about the dispute resolution service. However, due to low usage, the EU Commission has decided to shut down the platform. With the discontinuation of the ODR platform, all related information, including any personal data associated with submitted cases, has been permanently deleted. The obligation for businesses to refer to the ODR platform is no longer in effect. Companies should therefore update their websites accordingly.

[To the information on the ODR platform](#)

[To the Regulation \(EU\) 2024/3228 \(dated 19 December 2024\)](#)

2. Case Law

+++ ADMINISTRATIVE COURT OF COLOGNE ALLOWS FEDERAL GOVERNMENT TO USE FACEBOOK +++

The Administrative Court of Cologne has ruled that the Press and Information Office of the Federal Government may continue operating its Facebook fan page. The case stems from a 2023 order issued by the Federal Commissioner for Data Protection and Freedom of Information, who prohibited the operation of the Facebook fan page. The Commissioner argued that the use of the page violated data protection law, citing a lack of valid user consent for cookies used by Facebook, and asserting that both Facebook and the German government were joint controllers for data processing on the fan page ([see Privacy Ticker March 2023](#)). The court has now ruled in favour of the Federal Government and Meta (formerly Facebook). It concluded that there was no joint controllership between Meta and the Press and Information Office of the Federal Government. Instead, it found that Meta alone is the controller and responsible for obtaining user consent for the use of cookies. The judgment has not been published yet.

[To the press release of the Administrative Court of Cologne \(dated 22 July 2025, 13 K 1419/23, in German\)](#)

+++ HIGHER REGIONAL COURT OF FRANKFURT: MANDATORY PROVISIONING OF E-MAIL ADDRESS OR MOBILE NUMBER FOR PURCHASING TRAIN TICKETS UNLAWFUL +++

The Higher Regional Court of Frankfurt am Main has ruled that Deutsche Bahn may not insist on customers providing their email address or mobile number when purchasing train tickets. Deutsche Bahn had been offering its saver and super saver fare tickets exclusively through digital channels. Unlike standard tickets, customers were required to provide either an email address or mobile number – even when purchasing the tickets in person at a ticket counter. The Federation of German Consumer Organizations (“Verbraucherzentrale Bundesverband”) challenged this practice, arguing that it was unlawful, and filed for an injunction. The court agreed with the federation and ordered Deutsche Bahn to cease this practice. According to the ruling, there was no legal basis for collecting this personal data. Consent was deemed invalid due to the lack of voluntariness, particularly in light of Deutsche Bahn’s dominant market position. Customers had no real choice to opt out of providing their data. Moreover, the court held that processing the data was not necessary for

fulfilling the contract, as Deutsche Bahn could issue the tickets directly at the counter without requiring contact details. For the same reason, Deutsche Bahn could not rely on legitimate interests to justify the data collection.

[To the press release of the Higher Regional Court of Frankfurt am Main \(dated 11 July 2025, in German\)](#)

[To the judgment of the Higher Regional Court of Frankfurt am Main \(dated 10 July 2025, 6 UKI 14/24, in German\)](#)

+++ REGIONAL COURT OF LEIPZIG: COMPENSATION OF EUR 5,000 FOR DATA PROTECTION VIOLATIONS BY META BUSINESS TOOLS +++

The Regional Court of Leipzig has ordered Meta Platforms Ireland to pay a Facebook user compensation of EUR 5,000 for data protection violations. The court ruled that Meta's business tools were used to process personal data for extensive user profiling and personalized advertising. The business tools collected user data on third-party websites and apps, even if the user was not logged in to Instagram or Facebook. The court stated that the processing was particularly extensive and enabled almost complete monitoring of the user's online behaviour. Furthermore, the collected data was transferred worldwide, especially to the USA, where it was analysed to an extent unknown to the user. The court concluded that there was no effective legal basis. In justifying the substantial compensation amount, the court noted that Meta generates billions in profits from its personalized advertising business model, and that the high compensation corresponded to social perception.

[To the press release of the Regional Court of Leipzig \(dated 4 July 2025, 05 O 2351/23, in German\)](#)

+++ REGIONAL COURT OF NUREMBERG-FÜRTH: SOCIAL NETWORK MUST PROVIDE INFORMATION ON DATA IN TRACKING TOOLS AND ON THIRD-PARTY WEBSITES +++

The Regional Court of Nuremberg-Fürth has ruled that a social network is obliged to provide information about data collected through tracking tools on third-party websites and in mobile apps as part of a right of access under Art. 15 GDPR. The plaintiff, dissatisfied with the initial information

provided, sued the network seeking further information, deletion of data and compensation. The court ordered the network operator to provide comprehensive information about the processed data, including data collected outside the social network's own platform. It also found that the plaintiff's personal data had been processed unlawfully, in particular due to the use of its own tracking tools on third-party websites and in mobile apps. The network was ordered to delete all stored data after providing the complete information. Finally, the court awarded the plaintiff non-material damages in the amount of EUR 500, recognizing the loss of control over his personal data.

[To the judgment of the Regional Court of Nuremberg-Fürth \(dated 20 February 2025, 6 O 1485/24, in German\)](#)

+++ HIGHER REGIONAL COURT OF NUREMBERG: BURDEN OF PROOF FOR DATA PROTECTION CLAIMS IN CIVIL PROCEEDINGS++

The Higher Regional Court of Nuremberg has announced in an advisory decision that plaintiffs in data protection claims in civil proceedings bear the burden of proof for the claims. The case concerned, among other things, a request of the right to erasure of an entry in a creditworthiness register, where the defendant – a credit agency – based its data processing on legitimate interests. The court held that the plaintiff has the burden of proof regarding the existence of overriding interests. Referring to the case law of the ECJ, the court stated that the accountability obligation under Art. 5 (2) GDPR in public law disputes results in a general burden of proof for the controller. However, the ECJ did not make a statement on the general burden of proof in German civil proceedings, which is why the national rules on presentation and burden of proof apply. In view of the court, Art. 5 (2) GDPR is a purely economic-administrative provision. Processing is therefore only unlawful if the interests of the data subject prevail, for which the data subject is required to provide evidence.

[To the advisory decision of the Higher Regional Court of Nuremberg \(dated 11 June 2025, 3 U 383/25, in German\)](#)

[To the ruling of the Regional Court of Regensburg \(dated 28 January 2025, 61 O 1551/24, in German\)](#)

3. Regulatory Investigations and Enforcement Actions

+++ SPAIN: EUR 1.38 MILLION FINE AGAINST ENERGY SUPPLIER DUE TO ERRORS IN DATA RECONCILIATION +++

The Spanish data protection authority Agencia Española de Protección de Datos (AEPD) has imposed a fine of EUR 1.38 million on the Spanish energy supplier REPSOL COMERCIALIZADORA DE ELECTRICIDAD Y GAS (REPSOL). The proceedings were initiated following a customer complaint after she received invoices for a contract she never personally

entered into. These invoices were related to a contractual relationship between another customer and REPSOL. The energy supplier apologized for an error in the data reconciliation and stated that it had corrected the error and deleted the incorrectly created contract. However, the customer continued to receive invoices for this contract. The AEPD considered the late correction of the data to be a violation of the principle of data accuracy and a breach of the obligation to provide appropriate technical and organizational measures.

[To the AEPD's fine notice \(dated 10 July 2025, in Spanish\)](#)

[To the notification at GDPRhub \(dated 10 July 2025\)](#)

4. Opinions

+++ FEDERAL NETWORK AGENCY SETS UP AI SERVICE DESK +++

The German Federal Network Agency has introduced an AI Service Desk, which was presented by Federal Digital Minister Dr Karsten Wildberger at an AI conference in Frankfurt. The new service aims to assist companies – especially small and medium-sized enterprises – as well as authorities and organizations in implementing the EU AI Act. The AI Service Desk

will serve as a central point of contact and provide practical information and tools. Among other things, it also offers an interactive compliance compass that organizations can use to check whether and how the AI Act applies to their systems. It also helps assess whether an AI system could be classified as regulated, high-risk or even a prohibited practice. In addition, the AI Service Desk provides illustrative examples, tips on the required AI competence in organizations, and information on free training courses for employees.

[To the press release of the Federal Network Agency \(dated 3 July 2025, in German\)](#)

[To the AI Service Desk of the Federal Network Agency \(in German\)](#)

+++ EDPB IN FAVOR OF STRENGTHENING AND SIMPLIFYING THE GDPR +++

The European Data Protection Board (EDPB) has adopted the so-called Helsinki Statement, which calls for strengthening data protection through greater clarity, support and participation. The aim is to make GDPR compliance easier for small and medium-sized organizations, while promoting innovation and enhancing competitiveness. To achieve this, the EDPB plans to provide templates, standardized reporting forms for data protection breaches, checklists, and FAQs. At the same time, the statement emphasizes intensifying the dialogue with stakeholders through early involvement, public consultations, and opportunities to provide feedback or report inconsistencies. Another key focus is improving consistency in GDPR enforcement. The EDPB intends to systematically record national positions and decisions, review and harmonize existing guidelines and develop joint enforcement strategies.

[To the press release of the EDPB \(dated 3 July 2025\)](#)

[To the Helsinki Statement of the EDPB \(dated 2 July 2025\)](#)

+++ FEDERAL OFFICE FOR INFORMATION SECURITY PUBLISHES CRITERIA FOR THE USE OF GENERATIVE AI IN THE FEDERAL ADMINISTRATION +++

The Federal Office for Information Security has published a list of criteria for the use of generative artificial intelligence (AI) in the federal administration. This initiative responds to the growing significance of generative AI models, which offer substantial opportunities for digitalizing public administration but also pose security risks. One such risk is "prompt injection" attacks, which can manipulate chatbot outputs and potentially lead to data leaks or malware infections. The list of criteria of the Federal Office for Information Security defines requirements that should be met when integrating external generative AI models into administrative applications to ensure a minimum level of IT security. The list of criteria targets authorities and institutions interested in deploying such AI models and is intended to be established as a binding minimum standard in the future. It serves as a supplement to the existing "Guidelines for the Use of Artificial Intelligence in the Federal Administration".

[To the press release of the Federal Office for Information Security \(dated 24 June 2025, in German\)](#)

[To the list of criteria of the Federal Office for Information Security \(dated 6 June 2025, in German\)](#)

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