

Privacy Ticker

June 2026



+++ ECJ: NO GDPR PROHIBITION ON THE USE OF UNLAWFULLY OBTAINED DATA +++ FEDERAL ADMINISTRATIVE COURT: HEALTH INSURANCE PLANS FALL UNDER ART. 9(2)(H) GDPR +++ BERLIN REGIONAL COURT I: DEUTSCHE WOHNEN FINE REDUCED TO EUR 900,000 +++ DATA PROTECTION AUTHORITY BADEN-WÜRTTEMBERG: AI TRANSCRIPTION OF MUNICIPAL COUNCIL MEETINGS +++

1. Case Law

+++ ECJ: NO GDPR PROHIBITION ON THE USE OF UNLAWFULLY OBTAINED DATA +++

The European Court of Justice has ruled that the GDPR does not contain a general prohibition on the admission of evidence consisting of data that was obtained unlawfully and submitted to a court. Even unlawfully obtained personal data is not automatically inadmissible in proceedings but may be used as evidence by national courts. In doing so, however, the courts must observe the general data protection principles, in particular the principle of data minimization, and may only process or disclose data that is necessary and relevant for the decision-making process. If necessary, any data beyond what is strictly necessary must be redacted or anonymized. Furthermore, the ECJ clarifies that Article 17(3) (e) GDPR does not constitute an independent legal basis, but merely provides for an exception to the right to erasure. However, courts may base the processing of personal data – for example, in the context of including evidence in case files and evaluating it – on Article 6(1)(c) GDPR.

[To the ECJ judgment \(dated 18 June 2026, C-484/24\)](#)

+++ FEDERAL COURT OF JUSTICE: PERSONAL DATA OF THIRD PARTIES DOES NOT NEED TO BE REDACTED WHEN INSPECTING FILES IN FORECLOSURE PROCEEDINGS +++

The Federal Court of Justice has determined that Section 42 of the German Foreclosure Act grants anyone the right to inspect the components of the case file specified therein without requiring that any personal data contained therein be redacted beforehand. The provision governs the right to inspect certain documents in foreclosure proceedings, in particular notices from the land registry office, applications, the partition plan, and other documents relating to the auction. This right to inspect the file thus also covers personal data of the parties involved as well as land registry entries that have already been deleted. From a data protection perspective, the Federal Court of Justice bases the right of access on Article 6(1)(e) GDPR in conjunction with Section 42 of the German Foreclosure Act. At the same time, the court clarifies that persons granted access to the files may not publicly disclose the contents of the files, either in whole or in part, nor may they transmit or make them available to third parties for purposes unrelated to the proceedings.

[To the decision of the Federal Court of Justice \(dated 21 May 2026, V ZB 90/25, in German\)](#)

+++ FEDERAL ADMINISTRATIVE COURT: HEALTH INSURANCE PLANS FALL UNDER ART. 9(2)(H) GDPR +++

The Federal Administrative Court has ruled that preventive care and health promotion programs offered by private health insurers, such as coaching services for diabetes, asthma, or back pain, may fall under the concept of preventive healthcare as defined in Article 9(2)(h) GDPR. The processing of diagnostic data from invoices submitted for reimbursement could therefore, in principle, fall under this exception. Nevertheless, the processing must also be based on a legal basis under Article 6(1) GDPR. This was not the case in the specific instance because the insured persons' interests in excluding the processing prevailed, particularly due to the sensitivity of the health data, the broad scope of the processing, and insufficient information about the purposes pursued.

[To the judgment of the Federal Administrative Court \(dated 6 March 2026, 6 C 7.24, in German\)](#)

+++ REGIONAL COURT OF FREIBURG: ART. 15 GDPR COVERS PAYMENT AND GAMING HISTORY +++

The Regional Court of Freiburg has decided that players may also have a right to information regarding their wagers from sports betting providers. Payment and betting histories constitute personal data. The right to information may therefore include, in particular, details regarding incoming payments, payouts of winnings, and betting history. In the court's view, the data access right is not precluded merely because the requested information is also intended to support the preparation of civil claims for repayment. A justification for the data access request is generally not required.

[To the partial judgment of the Freiburg Regional Court \(dated 29 May 2026, 8 O 203/24, in German\)](#)

+++ BERLIN REGIONAL COURT I: DEUTSCHE WOHNEN FINE REDUCED TO EUR 900,000 +++

The Berlin Regional Court I has imposed a fine of EUR 900,000 on Deutsche Wohnen SE for violations of the GDPR, thereby significantly reducing the fine of approximately EUR 14.5 million originally set by the Berlin Commissioner for Data Protection and Freedom of Information. In the court's view, the company failed to implement appropriate technical and organizational measures in a timely manner to ensure the timely deletion of personal data belonging to former tenants. Among other things, this involved sensitive documents such as pay stubs, bank statements, and identification documents. The court found violations of the principles of data minimization and storage limitation, as well as, in individual cases, of Article 6 of the GDPR. However, it assessed the amount of the fine much more leniently than the supervisory authority. This first substantial fine imposed by German supervisory authorities in 2019 occupied the courts for years and, following the European Court of Justice's ruling on various points of law in December 2023 (see [Privacy Ticker December 2023](#)), was referred back to the Regional Court for a new hearing and decision.

[To the press release of the Berlin I Regional Court \(dated 9 June 2026, 526 OWi LG 1/20, in German\)](#)

2. Regulatory Investigations and Enforcement Actions

+++ FRANCE: EUR 5 MILLION FINE IMPOSED ON IQVIA FOR HEALTH DATA VIOLATIONS +++

The French data protection authority, the Commission Nationale de l'Informatique et des Libertés (CNIL), has imposed a fine of EUR 5 million on IQVIA OPERATIONS FRANCE. The company processes health data sets that are sourced, among other things, from pharmacies and physicians. In particular, the CNIL objected that IQVIA had not sufficiently complied with the authorization requirements and safeguards applicable to this sensitive data processing. As a result, risks to the data subjects were not adequately mitigated. Furthermore, IQVIA did not sufficiently inform data subjects about the processing of their health data, did not properly ensure the exercise of data subjects' rights, and did not implement adequate security measures. In determining the fine, the CNIL took into account, in particular, the special sensitivity of health data, the large number of data subjects affected, and the company's market position.

[To the CNIL press release \(dated 28 May 2026\)](#)

[To the CNIL decision \(dated 26 May 2026, in French\)](#)

+++ NORWAY: EUR 1.8 MILLION FINE FOR INVALID CONSENT +++

The Norwegian Data Protection Authority, Datatilsynet, has imposed a fine of NOK 20 million, equivalent to approximately EUR 1.8 million, on Elkjøp Nordic AS. The proceedings centered on the processing of personal data in connection with a customer loyalty program. In particular, the authority objected to the lack of valid consent. It also identified shortcomings in the handling of data subjects' rights. The large number of affected individuals was a key factor in determining the amount of the fine.

[To the Datatilsynet decision \(dated 1 June 2026\)](#)

3. Opinions

+++ DATA PROTECTION AUTHORITY BADEN-WÜRTTEMBERG: AI TRANSCRIPTION OF MUNICIPAL COUNCIL MEETINGS +++

The State Commissioner for Data Protection and Freedom of Information in Baden-Württemberg has published data protection guidelines on the use of AI-powered speech-to-text systems for recording municipal council meetings. According to the guidelines, the mere processing of voice data for the purpose of recording, transcribing, and summarizing spoken words does not, in principle, constitute the processing of special categories of personal data under Article 9(1) GDPR. In particular, no biometric data processing takes place as long as the voice is not used to uniquely identify an individual. Nevertheless, the use of such systems requires a sufficiently specific legal basis, transparent information for data subjects, and appropriate technical and organizational measures.

[To the Data Protection Guidelines of the Baden-Württemberg authority \(dated 10 June 2026, in German\)](#)

4. Event-Highlight

This **Thursday**, our complimentary **webinar**, “**The EU Cyber Resilience Act – What businesses need to do now**”, will explore the new EU-wide cybersecurity requirements for digital products and their implications for businesses.

Taking place shortly before the new rules come into force, the webinar will provide a concise, practical overview of the key requirements and what organisations need to do to prepare.

Secure your place now via the button below. We look forward to welcoming you!

2. July

Webinar: The EU Cyber Resilience Act – What businesses need to do now

MS Teams | 11:00 - 12:00 Uhr

[Registration](#)

Your Contacts

If you have any questions, please address the ADVANT Beiten lawyer of your choice or contact the ADVANT Beiten Privacy Team directly:

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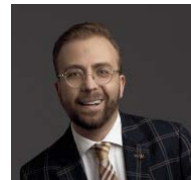
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