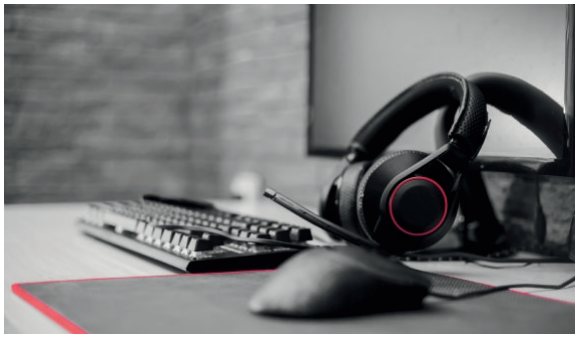
ADVANT Beiten

Privacy Ticker

May 2026



+++ ADMINISTRATIVE COURT OF BERLIN: VIDEO SURVEILLANCE AND ID CHECKS IN PUBLIC OUTDOOR POOLS PERMISSIBLE +++ REGIONAL COURT OF DORTMUND: ART. 15 GDPR NOT AN INVESTIGATIVE TOOL FOR GAMBLING CLAIMS +++ NETHERLANDS: EUR 100 MILLION FINE AGAINST TAXI APP FOR DATA TRANSFER TO RUSSIA +++ ITALY: EUR 12.5 MILLION FINE AGAINST POSTE ITALIANE AND POSTEPAY +++

1. Case Law

+++ ADMINISTRATIVE COURT OF BERLIN: VIDEO SURVEILLANCE AND ID CHECKS IN PUBLIC OUTDOOR POOLS PERMISSIBLE +++

The Administrative Court of Berlin has ruled that Berliner Bäder-Betriebe were permitted to use ID checks and selective video surveillance in certain outdoor swimming pools in compliance with data protection law. The background to the case was numerous security-related incidents in 2023, including threats as well as verbal and physical attacks against bathers and staff. The Berlin Commissioner for Data Protection and Freedom of Information had objected to the measures and issued a warning. The court set aside this warning. In view of the documented security situation, the company was entitled to assume that the measures were suitable for reducing aggressive behaviour. In the court's view, the protection of life, health and freedom outweighed the interference with the right to informational self-determination. In this context, the court took into account in particular that ID checks were not documented and that the video surveillance was carried out without live monitoring and with a storage period of 72 hours.

To the press release of the Administrative Court of Berlin (dated 6 May 2026, VG 42 K 73/25, in German)

+++ REGIONAL COURT OF DORTMUND: ART. 15 GDPR NOT AN INVESTIGATIVE TOOL FOR GAMBLING CLAIMS +++

The Regional Court of Dortmund has dismissed an action in which the plaintiff sought, among other things, information about gaming histories and transactions from an online gambling provider. The information was essentially intended to prepare and quantify possible refund claims for lost stakes. The court considered the action by stages inadmissible in this respect because the requested information did not merely serve to quantify a claim that existed in principle, but was intended to make it possible to examine whether such a claim existed at all. The court also rejected the data protection right of access. The controller may refuse to provide information under Art. 12 para. 5 sentence 2 lit. b GDPR if the request is excessive or abusive. In the court's view, the plaintiff was not concerned with verifying the lawfulness of the data processing, but with civil procedural discovery. Art. 15 GDPR may not be used to circumvent the principle that the parties must present the facts in civil proceedings.

To the judgment of the Regional Court of Dortmund (dated 29 April 2025, 5 O 162/24, in German)

2. Regulatory Investigations and Enforcement Actions

+++ NETHERLANDS: EUR 100 MILLION FINE AGAINST TAXI APP FOR DATA TRANSFER TO RUSSIA +++

The Dutch data protection authority Autoriteit Persoonsgegevens (AP) has imposed a fine of EUR 100 million on MLU B.V., the company behind the European version of the Yango taxi app. According to the authority's findings, Yango transferred personal data of passengers and drivers from Norway and Finland to companies in Russia without ensuring an adequate level of protection. The investigation was conducted jointly with the Norwegian and Finnish data protection supervisory authorities. The data concerned included copies of driving licences, residential addresses, contact details, account numbers, precise location data, journey information, photos, chat content and social security numbers. The AP emphasises that personal data is not protected in Russia in a comparable manner and that access by state authorities is possible. In addition to the fine, it ordered the company to immediately cease transferring personal data of users from Norway and Finland to Russia.

To the AP press release (dated 8 May 2026)

To the AP fine notice (dated 8 May 2026, in Dutch)

+++ ITALY: EUR 12.5 MILLION FINE AGAINST POSTE ITALIANE AND POSTEPAY FOR APP MONITORING +++

The Italian data protection authority Garante per la Protezione dei Dati Personali (GPDP) has imposed fines totalling EUR 12.501 million on Poste Italiane S.p.A. and Postepay S.p.A. The proceedings concerned the BancoPosta and Postepay apps. Their use required users on Android devices to grant permission to monitor certain device data, including installed and running applications. According to the companies, this was intended to detect malicious software and prevent fraud. However, the GPDP considered the specific design to be disproportionate because the processing significantly interfered with users' privacy and was not limited to what was necessary for the security purposes. The authority also criticised, among other things, deficiencies in the information provided to users, in the data protection impact assessment, in security measures, in retention periods and in the designation of processors. In addition to the fines, the authority ordered remedial measures.

To the GPDP press release (dated 20 April 2026, in Italian)

To the GPDP fine notice (dated 17 April 2026, in Italian)

3. Opinions

+++ BFDI, FEDERAL NETWORK AGENCY AND HESSE PUBLISH ROADMAP FOR AI IN MEDICAL DEVICES +++

The Federal Network Agency, the Hessian Ministry for Digitalisation and Innovation and the Federal Commissioner for Data Protection and Freedom of Information (BfDI) have published a roadmap for AI in medical devices. The guidance explains how the requirements of the European AI Act interact with the existing requirements of the Medical Devices Regulation. It is aimed in particular at companies that develop or intend to place AI-based medical devices on the market. The roadmap is the result of a pilot project simulating an AI regulatory sandbox, in which, among others, two start-ups participated. It provides a structured overview of key requirements for high-risk AI systems, for example on risk management, data governance, technical documentation, record-keeping obligations, transparency and human oversight. At the same time, the authorities emphasise that the roadmap does not replace an assessment of the individual case; providers therefore remain responsible

for examining and implementing the obligations applicable to their specific product.

To the BfDI short notice (dated 7 May 2026, in German)

To the roadmap of the Federal Network Agency (as of December 2025, published in 2026, in German)

+++ EU COMMISSION: RECOMMENDATION FOR PRIVACY-FRIENDLY AGE VERIFICATION +++

The European Commission has published a recommendation for a common European framework for age verification technologies. The aim is to give all users in the EU access to robust and privacy-friendly age verification solutions by 31 December 2026. The recommendation relies on methods for anonymous proof of age, where only confirmation is provided that a person has reached a certain age threshold, without disclosing their identity or exact age. Member States are asked in particular to use the EU blueprint for age verification, develop national implementation plans, cooperate with the Digital Services Coordinators (in Germany: the Federal Network Agency), other Member States, the Commission, research and civil society, and ensure compliance with relevant cybersecurity standards through independent audits. The Commission also announces an “EU Age Verification Scheme” as well as lists of trusted providers and suitable solutions.

To the European Commission communication (dated 29 April 2026)

4. Event-Highlight

The Cyber Resilience Act (CRA) will fundamentally reshape cybersecurity and compliance obligations for companies placing digital products on the EU market. It introduces extensive new requirements for manufacturers, importers and distributors — including security-by-design obligations, incident reporting duties and potentially significant penalties for non-compliance.

We are pleased to invite you to our upcoming free webinar, "**The EU Cyber Resilience Act – What Businesses Need to Do Now**", taking place on **2 July 2026 from 11:00 to 12:00 CET**.

During the session, our cross-border ADVANT team will provide a practical and business-oriented overview of the most relevant legal and operational implications of the CRA and highlight the key actions companies should already be considering today.

You are welcome to register via the button below – we look forward to your participation.

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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