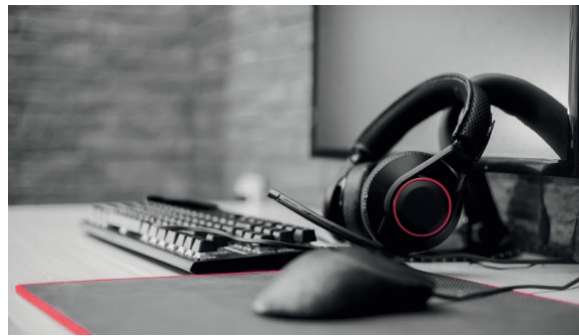


Privacy Ticker

March 2026



**+++ ECJ: ABUSE OF ACCESS REQUESTS UNDER ART. 15 GDPR
+++ REGIONAL COURT OF BERLIN II: NO DATA TRANSFER FROM
WHATSAPP TO META +++ UNITED KINGDOM: EUR 16.8 MILLION
FINE AGAINST REDDIT +++ 61 SUPERVISORY AUTHORITIES
WORLDWIDE ISSUE JOINT STATEMENT ON AI-GENERATED
CONTENT+++**

1. Changes in Legislation

+++ NEW RULES ON AI USAGE IN BADEN-WÜRTTEMBERG +++

On 4 February 2026, the State Parliament of Baden-Württemberg passed extensive amendments to the State Data Protection Act to align regional regulations with the European AI Act. The new provisions clarify that public authorities are permitted to use AI systems, provided the underlying data processing complies with legal requirements. An independent legal basis for AI applications is deemed unnecessary. Furthermore, authorities may process personal data for the development, training and validation of AI systems if this is essential for fulfilling their duties. Special categories of personal data remain subject of the conditions of Art. 9 GDPR. Additionally, the amendments explicitly allow authorities to anonymise lawfully stored data or generate synthetic data to facilitate privacy-friendly AI usage. The use of AI systems for analysing video recordings of publicly accessible areas is permitted if deemed necessary in individual cases, such as for protecting life, health, or security-critical facilities, and provided that the legitimate interests of the affected individuals are not disproportionately infringed.

[To the legislative resolution of the Baden-Württemberg State Parliament \(dated 9 February 2026, Document 17/10253, in German\)](#)

2. Case Law

+++ ECJ: ABUSE OF ACCESS REQUESTS UNDER ARTICLE 15 GDPR +++

The European Court of Justice has ruled that an initial access request under Article 15 GDPR may, under certain circumstances, be deemed abusive. This applies if the data controller can demonstrate that the request was not made to obtain information about the processing of personal data but solely to artificially create grounds for a subsequent claim for damages. Such a request could then be classified as "excessive" under the GDPR and rejected. The case in question involved an individual who subscribed to newsletters from various companies and immediately submitted systematic access requests, followed by claims for non-material damages. The ECJ emphasised that the right of access is intended to ensure transparency regarding data processing and to verify its legality. Using this right for purposes other than its intended function may justify the rejection of the request.

[To the press release of the ECJ \(dated 19 March 2026\)](#)

[To the judgment of the ECJ \(dated 19 March 2026, C-526/24\)](#)

+++ JENA HIGHER REGIONAL COURT: UNLAWFUL OFFSITE DATA COLLECTION BY META BUSINESS TOOLS +++

The Higher Regional Court of Jena has decided that extensive and indiscriminate processing of personal data through Meta Business Tools lacks a legal basis. In particular, Meta is prohibited from systematically collecting offsite data and linking it to user profiles without valid consent or another justification. Security and integrity interests are insufficient grounds for such practices. The court stated that indiscriminate data collection violates fundamental principles of data protection law, including transparency, purpose limitation, data minimisation, and accountability. In the court's opinion, the systematic linking of external usage data with profile information results in a significant loss of control for affected individuals over the insights gained by the platform operator regarding their internet and app behaviour. This is particularly concerning when special categories of personal data, such as health data, are involved. The court deemed a non-material damages award of EUR 3,000 appropriate for the loss of control.

[To the press release of the Higher Regional Court of Jena \(dated 2 March 2026, in German\)](#)

[To the judgment of the Higher Regional Court of Jena \(dated 2 March 2026, 3 U 31/25, in German\)](#)

+++ BERLIN II REGIONAL COURT: NO DATA TRANSFER FROM WHATSAPP TO META +++

The Regional Court of Berlin II has determined that WhatsApp may not transfer personal data of German users to Facebook or Meta based on the consent used in 2016. The court clarified that the consent process at the time did not meet data protection requirements, and users were not provided with an effective means to object to the linking of their data with Facebook. The ruling explicitly extends to personal data of third parties whose phone numbers were stored in WhatsApp users' address books, even if they were not WhatsApp users themselves. Such broad access to third-party contact data is not covered by valid consent and is therefore unlawful.

[To the press release of the Regional Court of Berlin II \(dated 24 February 2026, in German\)](#)

[To the judgment of the Regional Court of Berlin II \(dated 23 February 2026, 52 O 22/17, in German\)](#)

3. Regulatory Investigations and Enforcement Actions

+++ UNITED KINGDOM: EUR 16.8 MILLION FINE AGAINST REDDIT +++

The British data protection authority Information Commissioner's Office (ICO) has fined Reddit GBP 14.47 million (equivalent to approx. EUR 16.8 million). According to the regulator's investigations, Reddit unlawfully processed personal data of children under the age of 13 over several years due to inadequate age verification procedures. Although Reddit requires users to be at least 13 years old, the company failed to ensure

compliance with this age restriction. The ICO concluded that a significant number of younger children accessed the platform. Additionally, Reddit did not conduct a data protection impact assessment for users aged 13 to 18, despite the special risks faced by this age group.

[To the ICO press release \(dated 24 February 2026\)](#)

+++ ITALY: EUR 2 MILLION FINE FOR UNAUTHORIZED CONTRACTS BY SALES PARTNERS +++

The Italian data protection authority Garante per la Protezione dei Dati Personali (GPDP) has imposed a fine of EUR 2 million on Acea Energia. According to the authority's findings, personal data of over 1,200 customers were used to create contracts without their knowledge or consent. Several affected individuals had only become aware through welcome letters or payment reminders that energy or gas contracts had been drawn up in their names. The unauthorised data processing was carried out by commissioned sales companies, which collected customer data during door-to-door visits, including photographing ID documents, to activate contracts without the individuals' knowledge, sometimes using forged signatures. The company had failed to ensure effective technical and organisational measures as well as adequate supervision of the external sales partners. In addition to the fine, Acea Energia must implement various corrective measures, in particular regular data accuracy checks, stricter control mechanisms for sales partners and clear data retention and deletion policies.

[To the press release of the GPDP \(dated 10 March 2026, in Italian\)](#)

[To the full text of the decision \(dated 12 February 2026, in Italian\)](#)

+++ SWEDEN: EUR 560,000 FINE DUE TO LACK OF IT SECURITY ON SPORTS PLATFORM +++

The Swedish data protection authority Integritetsskyddsmyndigheten (IMY) has fined the platform Sportadmin i Skandinavien AB SEK 6 million (approximately EUR 560,000) following a major data breach caused by a cyberattack. Hackers gained access to personal data of over 2.1 million individuals, which was subsequently published on the dark web. The data primarily involved children and young people from sports clubs and included names, contact details, personal identification numbers, and

information about sports and club affiliations. In individual cases, sensitive health data and data of particularly vulnerable persons were also affected. According to the authority, Sportadmin had failed to address known technical and organisational vulnerabilities over an extended period, despite identifying increased risks internally. In particular, the company lacked adequate routines for detecting security flaws and systems for real-time attack detection.

[To the IMY press release \(dated 28 January 2026\)](#)

4. Opinions

+++ 61 SUPERVISORY AUTHORITIES WORLDWIDE ISSUE JOINT STATEMENT ON AI-GENERATED CONTENT +++

A total of 61 international data protection supervisory authorities have published a joint statement on AI-generated images and videos. Participants included the German Federal Commissioner for Data Protection and Freedom of Information (BfDI), the European Data Protection Supervisor (EDPS), and the European Data Protection Board (EDPB). The statement raises significant concerns about new technologies capable of creating realistic depictions of identifiable individuals without their knowledge or consent. Particular emphasis is placed on risks for children and other vulnerable groups, such as deceptive, non-consensual, or defamatory content. The authorities remind organisations developing or deploying AI systems for image and video generation of their obligation to comply with data protection requirements. This includes robust technical and organisational safeguards, comprehensive transparency regarding functionality and risks, and effective procedures for removing infringing content. The authorities involved emphasise the need for a coordinated regulatory approach to detect abuses early, minimise risks and promote innovation without compromising fundamental rights.

[To the joint statement \(dated 23 February 2026\)](#)

Your Contacts

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

Office Frankfurt

Mainzer Landstrasse 36 | 60325 Frankfurt am Main

Dr Andreas Lober

+49 69 756095-582

[vCard](#)



Susanne Klein, LL.M.

+49 69 756095-582

[vCard](#)



Lennart Kriebel

+49 69 756095-582

[vCard](#)



Fabian Eckstein, LL.M.

+49 69 756095-582

[vCard](#)



Jason Komninos, LL.M

+49 69 756095-582

[vCard](#)



Mirjam Kaiser

+49 69 756095-582

[vCard](#)



Office Dusseldorf

Cecilienallee 7 | 40474 Dusseldorf

Mathias Zimmer-Goertz

+49 211 518989-144

[vCard](#)



Christian Frederik Döpke, LL.M.

+49 211 518989-144

[vCard](#)



Office Munich

Ganghoferstrasse 33 | 80339 Munich

Katharina Mayerbacher

+89 35065-1363

[vCard](#)



Dr. Birgit Münchbach

+89 35065-1312

[vCard](#)



Office Hamburg

Neuer Wall 72 | 20354 Hamburg

Jan-Dierk Schaal

+49 40 688745-0

[vCard](#)



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EDITOR IN CHARGE

Susanne Klein, LL.M. | Rechtsanwältin

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Rechtsanwaltsgesellschaft mbH

BB-Datenschutz-Ticker@advant-beiten.com

www.advant-beiten.com



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Beiten Burkhardt Rechtsanwaltsgesellschaft mbH

Ganghoferstrasse 33, 80339 Munich, Germany

Registered under HR B 155350 at the Regional Court Munich / VAT Reg. No: DE11218811

Tel.: +49 89 35065-0, Fax: +49 89 35065-123 | E-Mail: munich@advant-beiten.com

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