

SUMMARY

ECJ 22 June 2022, case C-534/20 (Leistritz), Privacy, Unfair Dismissal

Leistritz AG - v - LH, German case

Summary

A Member State can impose rules for the dismissal of data protection officers which are stricter than those of the GDPR, but they may not undermine the GDPR's objectives.

Question

Must Article 38(3) of the GDPR be interpreted as precluding national legislation which provides that a controller or a processor may terminate the employment contract of a data protection officer, who is a member of his or her staff, only with just cause, even if the contractual termination is not related to the performance of that officer's tasks?

Ruling

The second sentence of Article 38(3) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), must be interpreted as not precluding national legislation which provides that a controller or a processor may terminate the employment contract of a data protection officer, who is a member of his or her staff, only with just cause, even if the contractual termination is not related to the performance of that officer's tasks, in so far as such legislation does not undermine the achievement of the objectives of that regulation.

Creator: European Court of Justice (ECJ)

Verdict at: 2022-06-22

Case number: C-524/20