

SUMMARY

Case C-73/16. Data protection

Does Article 47(1) of the Charter of Fundamental Rights of the European Union, under which everyone whose rights, in particular their right to privacy with respect to the processing of personal data laid down in Article 1(1) et seq. of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data [‘Directive 95/46/EC’], are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in Article 47 of that Charter, preclude a provision of national law which renders the exercise of an effective remedy before a tribunal, that is the submission of an application in administrative proceedings, conditional on the fact that the applicant, to protect his rights and freedoms, must have exhausted beforehand the procedures available to him under specific legislation, such as the Slovak Law on Administrative Complaints? Is it possible to interpret the right to respect for private and family life, home and communications, laid down in Article 7 of the Charter of Fundamental Rights of the European Union, and the right to the protection of personal data laid down in Article 8 thereof to the effect that, where there is an alleged infringement of the right to the protection of personal data, which, with respect to the European Union, is implemented primarily through Directive 95/46/EC, and entails, in particular:

- the obligation on Member States to protect the right to privacy of persons with respect to the processing of their personal data (Article 1) and,
- the authorisation conferred on Member States to process personal data where the processing is necessary for the performance of a task carried out in the public interest (Article 7, point (e)) or the processing is necessary for the purposes of the legitimate interests pursued by the controller or by the third party or parties to whom the data are disclosed,
- and having regard to the authorisation [to restrict that right], by way of an exception, conferred on a Member State (Article 13(1)(e) and (f)), when such a restriction constitutes

necessary measures to safeguard an important economic or financial interest of a Member State or of the European Union, including monetary, budgetary and taxation matters,

- those rights do not allow a Member State to create, without the consent of the person concerned, a register of personal data for the purposes of tax administration, so that the fact that personal data is rendered at the disposal of a public authority for the purposes of countering tax fraud in itself constitutes a risk?

Creator: European Court of Justice (ECJ)

Verdict at: 2016-02-10

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