



Press and Information

Court of Justice of the European Union

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Judgment in Case C- 272/19
VQ v Land Hessen

The Petitions Committee of the Parliament of a Federated State of a Member State is subject to the General Data Protection Regulation

Those who have submitted a petition to that committee therefore have, as a general rule, a right of access to the personal data concerning them

A citizen who had submitted a petition to the Petitions Committee of the Parliament of Land Hessen (Germany) made an application to that committee for access to the personal data concerning him, that data being stored by the committee in the processing of his petition. That application is based on the General Data Protection Regulation,¹ which provides that a data subject has a right to obtain, from the data controller, access to personal data concerning him or her.

The President of the Parliament of Land Hessen rejected that application on the ground that the petition procedure is a function of the Parliament and that the Parliament is not subject to the General Data Protection Regulation.

The Verwaltungsgericht Wiesbaden (Administrative Court of Wiesbaden, Germany), before which the citizen brought an action, considers that German law grants no right of access to personal data in the context of a petition such as that at issue. The Verwaltungsgericht Wiesbaden believes, however, that such a right of access might be derived from the General Data Protection Regulation, and has referred to the Court a question on that point. In addition, since the Verwaltungsgericht Wiesbaden has doubts as to its own independence and therefore as to its status as a 'court or tribunal', permitted to submit questions for a preliminary ruling to the Court, it also referred a question to the Court on that aspect.

By today's judgment, the Court replies that, **in so far as a Petitions Committee of the Parliament of a Federated State of a Member State determines, alone or with others, the purposes and means of the processing of personal data, that committee must be categorised as a 'controller', within the meaning of the General Data Protection Regulation. The processing of personal data carried out by that committee therefore falls within the scope of that regulation and, in particular, of the provision conferring on data subjects a right of access to personal data concerning them.**

The Court finds in particular that the activities of the Petitions Committee of the Parliament of Land Hessen do not fall within the scope of any exception laid down by the General Data Protection Regulation. The Court acknowledges that those activities are public and are activities of that Land, that committee contributing indirectly to the parliamentary activity, but the Court states that those activities are also political as much as administrative. Further, it is not clear from the information available to the Court that those activities correspond, in this instance, to one of the exceptions laid down by the General Data Protection Regulation.

¹ 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) (OJ 2016 L 119, p. 1).

As regards **the doubts expressed by the Verwaltungsgericht Wiesbaden concerning its own independence from the legislature or the executive**, the Court examines those doubts in relation to the admissibility of the request for a preliminary ruling.

Those doubts are based on the following circumstances: (i) the judges are appointed and promoted by the Minister of Justice; (ii) the appraisal of judges is undertaken by the Ministry of Justice according to the same rules as are applicable to public officials; (iii) the personal data and professional contact details of the judges are managed by that Ministry, which thus has access to that data; (iv) to cover temporary staff requirements, public officials can be appointed as temporary judges, and (v) the Minister of Justice prescribes the external and internal organisation of the courts or tribunals, determines the allocation of staff, means of communication and IT facilities of the courts or tribunals and also decides on the work-related travel abroad undertaken by the judges.

Applying its case-law on the concept of 'court or tribunal' within the meaning of EU law and, in particular, on the independence necessary if a body is to be regarded as such, **the Court finds that the factors to which the Verwaltungsgericht Wiesbaden draws attention in support of its doubts cannot, in themselves, be sufficient ground for a conclusion that that court is not independent.**

The Court states, in particular, that the mere fact that the legislative or executive are involved in the process for appointing a judge does not give rise to a relationship of subordination to those authorities or to doubts as to the judge's impartiality, if, once appointed, he or she is not subject to any pressure and does not receive any instruction in performing the duties of his or her office.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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