

5. Is non-material damage within the meaning of Article 82 of the General Data Protection Regulation incurred even where the third party who received the document containing the personal data did not read the data before returning the document containing the information, or does the discomfort of the person whose personal data were unlawfully disclosed suffice for the purpose of establishing non-material damage within the meaning of Article 82 of the General Data Protection Regulation, given that every unauthorised disclosure of personal data entails the risk, which cannot be eliminated, that the data might nevertheless have been passed on to any number of people or even misused?
6. Where accidental disclosure to third parties is preventable through better supervision of the undertaking's helpers and/or better data security arrangements, for example by handling collections separately from contract documentation (especially financing documentation) under separate collection notes or by sending the documentation internally to the collection counter without giving the customer the printed documents and collection note, how serious should the infringement be considered to be (Article 32(1)(b) and (2) and Article 4, point 7, of the General Data Protection Regulation)?
7. Is compensation for non-material damage to be regarded as the award of a penalty similar to a contract penalty?

(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).

Request for a preliminary ruling from the Østre Landsret (Denmark) lodged on 16 November 2021 — X v Udlændinge- og Integrationsministeriet

(Case C-689/21)

(2022/C 64/27)

Language of the case: Danish

Referring court

Østre Landsret

Parties to the main proceedings

Applicant: X

Defendant: Udlændinge- og Integrationsministeriet

Questions referred

1. Does Article 20 TFEU, in conjunction with Article 7 [of the Charter], preclude legislation of a Member State, such as that at issue in the main proceedings, under which citizenship of that Member State is, in principle, lost by operation of law on reaching the age of 22 in the case of persons born outside that Member State who have never lived in that Member State and who have also not resided there in circumstances that indicate a close attachment to that Member State, with the result that persons who do not also have citizenship of another Member State are deprived of their status as Union citizens and of the rights attaching to that status, taking into account that it follows from the legislation at issue in the main proceedings that:
 - (a) a close attachment to the Member State is presumed to exist, in particular, after a total of one year's residence in that Member State,
 - (b) if an application to retain citizenship is submitted before the person reaches the age of 22, authorisation to retain citizenship of the Member State under less stringent conditions may be obtained and for that purpose the competent authorities must examine the consequences of loss of citizenship, and
 - (c) lost citizenship can be recovered after the person concerned reaches the age of 22 only by means of naturalisation, to which a number of requirements are attached, including that of uninterrupted residence in the Member State for a longer duration, although the period of residence may be somewhat shortened for former nationals of that Member State?