



C/2024/1994

18.3.2024

Judgment of the Court (Grand Chamber) of 30 January 2024 (request for a preliminary ruling from the Varhoven administrativen sad — Bulgaria) — NG v Direktor na Glavna direktsia 'Natsionalna politsia' pri MVR — Sofia

(Case C-118/22, (1) Direktor na Glavna direktsia 'Natsionalna politsia' pri MVR — Sofia)

(Reference for a preliminary ruling — Protection of natural persons with regard to the processing of personal data for the purpose of combating crime — Directive (EU) 2016/680 — Article 4(1)(c) and (e) — Data minimisation — Limitation of storage — Article 5 — Appropriate time limits for erasure or for a periodic review of the need for the storage — Article 10 — Processing of biometric and genetic data — Strict necessity — Article 16(2) and (3) — Right to erasure — Restriction of processing — Article 52(1) of the Charter of Fundamental Rights of the European Union — Natural person convicted by final judgment and subsequently legally rehabilitated — Storage of data until death — No right to erasure or restriction of processing — Proportionality)

(C/2024/1994)

Language of the case: Bulgarian

Referring court

Varhoven administrativen sad

Parties to the main proceedings

Applicant: NG

Defendant: Direktor na Glavna direktsia 'Natsionalna politsia' pri MVR — Sofia

Intervening party: Varhovna administrativna prokuratura

Operative part of the judgment

Article 4(1)(c) and (e) of Directive (EU) 2016/680 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 by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, read in conjunction with Articles 5 and 10, Article 13(2)(b) and Article 16(2) and (3) thereof, and in the light of Articles 7 and 8 of the Charter of Fundamental Rights of the European Union,

must be interpreted as precluding national legislation which provides for the storage, by police authorities, for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, of personal data, including biometric and genetic data, concerning persons who have been convicted by final judgment of an intentional criminal offence subject to public prosecution, until the death of the data subject, even in the event of his or her legal rehabilitation, without imposing on the data controller the obligation to review periodically whether that storage is still necessary, nor granting that data subject the right to have those data erased, where their storage is no longer necessary for the purposes for which they are processed or, where appropriate, to have the processing of those data restricted.

(1) OJ C 191, 10.5.2022.