C/2024/3278

3.6.2024

# Judgment of the Court (Third Chamber) of 11 April 2024 (request for a preliminary ruling from the Landgericht Saarbrücken - Germany) - GP v juris GmbH

**(C-741/21,** [1] **juris)**

***(Reference for a preliminary ruling – Protection of natural persons with regard to the processing of personal data – Regulation (EU) 2016/679 – Article 82 – Right to compensation for damage caused by data processing that infringes that regulation – Concept of 'non-material damage' – Impact of the seriousness of the damage suffered – Liability of the controller – Possible exemption in the event of default of a person acting under his or her authority within the meaning of Article 29 – Assessment of the amount of compensation – Inapplicability of the criteria laid down for administrative fines in Article 83 – Assessment in the event of multiple infringements of that regulation)***

(C/2024/3278)

*Language of the case: German*

## Referring court

Landgericht Saarbrücken

## Parties to the main proceedings

*Applicant:* GP

*Defendant:* juris GmbH

## Operative part of the judgment

1. Article 82(1) 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 meaning that an infringement of provisions of that regulation which confer rights on the data subject is not sufficient, in itself, to constitute 'non-material damage' within the meaning of that provision, irrespective of the degree of seriousness of the damage suffered by that person.

2. Article 82 of Regulation 2016/679

   must be interpreted as meaning that it is not sufficient for the controller, in order to be exempted from liability under paragraph 3 of that article, to claim that the damage in question was caused by the failure of a person acting under his or her authority, within the meaning of Article 29 of that regulation.

3. Article 82(1) of Regulation 2016/679

   must be interpreted as meaning that in order to determine the amount of damages due as compensation for damage based on that provision, it is not necessary, first, to apply *mutatis mutandis* the criteria for setting the amount of administrative fines laid down in Article 83 of that regulation and, second, to take account of the fact that several infringements of that regulation concerning the same processing operation affect the person seeking compensation.

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[1] OJ C 119, 14.3.2022.