



Judgment of the Court (Fourth Chamber) of 4 October 2024 (request for a preliminary ruling from the Oberster Gerichtshof – Austria) – Maximilian Schrems v Meta Platforms Ireland Ltd, formerly Facebook Ireland Ltd

(Case C-446/21, ⁽¹⁾ Schrems (Disclosure of data to the general public))

(Reference for a preliminary ruling – Protection of natural persons with regard to the processing of personal data – Regulation (EU) 2016/679 – Online social networks – General terms of use relating to contracts concluded between a digital platform and a user – Personalised advertising – Article 5(1)(b) – Principle of purpose limitation – Article 5(1)(c) – Principle of data minimisation – Article 9(1) and (2) – Processing of special categories of personal data – Data concerning sexual orientation – Data which are made public by the data subject)

(C/2024/7003)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Applicant: Maximilian Schrems

Defendant: Meta Platforms Ireland Ltd, formerly Facebook Ireland Ltd

Operative part of the judgment

1. Article 5(1)(c) 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 the principle of data minimisation provided for therein precludes any personal data obtained by a controller, such as the operator of an online social network platform, from the data subject or third parties and collected either on or outside that platform, from being aggregated, analysed and processed for the purposes of targeted advertising without restriction as to time and without distinction as to type of data.

2. Article 9(2)(e) of Regulation 2016/679

must be interpreted as meaning that the fact that a person has made a statement about his or her sexual orientation on the occasion of a panel discussion open to the public does not authorise the operator of an online social network platform to process other data relating to that person's sexual orientation, obtained, as the case may be, outside that platform using partner third-party websites and apps, with a view to aggregating and analysing those data, in order to offer that person personalised advertising.

⁽¹⁾ OJ C 422, 18.10.2021.