



C/2024/915

29.1.2024

Judgment of the Court (Grand Chamber) of 5 December 2023 (request for a preliminary ruling from the Kammergericht Berlin — Germany) — Deutsche Wohnen SE v Staatsanwaltschaft Berlin

(Case C-807/21, ⁽¹⁾ Deutsche Wohnen)

(Reference for a preliminary ruling — Protection of personal data — Regulation (EU) 2016/679 — Article 4(7) — Concept of ‘controller’ — Article 58(2) — Powers of supervisory authorities to apply corrective powers — Article 83 — Imposition of administrative fines on a legal person — Conditions — Discretion of the Member States — Requirement that the infringement be intentional or negligent)

(C/2024/915)

Language of the case: German

Referring court

Kammergericht Berlin

Parties to the main proceedings

Applicant: Deutsche Wohnen SE

Defendant: Staatsanwaltschaft Berlin

Operative part of the judgment

1. Article 58(2)(i) and Article 83(1) to (6) 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 precluding national legislation under which an administrative fine may be imposed on a legal person in its capacity as controller in respect of an infringement referred to in Article 83(4) to (6) only in so far as that infringement has previously been attributed to an identified natural person.

2. Article 83 of Regulation 2016/679

must be interpreted as meaning that an administrative fine may be imposed pursuant to that provision only where it is established that the controller, which is both a legal person and an undertaking, intentionally or negligently committed an infringement referred to in Article 83(4) to (6) thereof.

⁽¹⁾ OJ C 128, 21.3.2022.