

Request for a preliminary ruling from the Bundesarbeitsgericht (Germany) lodged on 21 October 2020 — Leistriz AG v LH

(Case C-534/20)

(2021/C 28/34)

Language of the case: German

Referring court

Bundesarbeitsgericht

Parties to the main proceedings

Appellant in the appeal on a point of law: Leistriz AG

Respondent in the appeal on a point of law: LH

Questions referred

1. Is the second sentence of Article 38(3) of Regulation (EU) No 2016/679 ⁽¹⁾ (General Data Protection Regulation; GDPR) to be interpreted as precluding a provision in national law, such as Paragraph 38(1) and (2) in conjunction with the second sentence of Paragraph 6(4) of the Bundesdatenschutzgesetz (Federal Law on data protection; 'the BDSG'), which declares ordinary termination of the employment contract of the data protection officer by the data controller, who is his employer, to be impermissible, irrespective of whether his contract is terminated for performing his tasks?

If the first question is answered in the affirmative:

2. Does the second sentence of Article 38(3) GDPR also preclude such a provision in national law if the designation of the data protection officer is not mandatory in accordance with Article 37(1) GDPR, but is mandatory only in accordance with the law of the Member State?

If the first question is answered in the affirmative:

3. Is the second sentence of Article 38(3) GDPR based on a sufficient enabling clause, in particular in so far as this covers data protection officers that are party to an employment contract with the data controller?

⁽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 Landgericht Köln (Germany) lodged on 27 October 2020 — PR and Others v Germanwings GmbH

(Case C-558/20)

(2021/C 28/35)

Language of the case: German

Referring court

Landgericht Köln

Parties to the main proceedings

Applicants: PR, BV

Defendant: Germanwings GmbH