

Questions referred

1. (a) Must Article 4(1) of Regulation (EU) 2016/679 ⁽¹⁾ 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, read in combination with Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, be interpreted as meaning that a character string that captures the preferences of an Internet user in connection with the processing of his or her personal data in a structured and machine-readable manner constitutes personal data within the meaning of the said provision in respect of (1) a sectoral organisation which makes available to its members a standard whereby it prescribes to them how that string should be generated, stored and/or distributed practically and technically, and (2) the parties that have implemented that standard on their websites or in their apps and thus have access to that string?
 - (b) Does it make a difference in that regard if the implementation of the standard means that this string is available together with an IP address?
 - (c) Does the answer to questions 1(a) and 1(b) lead to a different conclusion if this standard-setting sectoral organisation does not itself have legal access to the personal data that are processed within this standard by its members?
2. (a) Must Articles 4(7) and 24(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, read in combination with Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, be interpreted as meaning that a standard-setting sectoral organisation must be classified as a controller if it offers its members a standard for managing consent which contains, in addition to a binding technical framework, rules setting out in detail how those consent data — which constitute personal data — must be stored and disseminated?
 - (b) Does the answer to question 2(a) lead to a different conclusion if this sectoral organisation itself does not itself have legal access to the personal data that are processed within this standard by its members?
 - (c) If the standard-setting sectoral organisation must be designated as a controller or a joint controller for the processing of Internet users' preferences, does that (joint) responsibility of the standard-setting sectoral organisation therefore automatically extend to the subsequent processing by third parties for which the Internet users' preferences were obtained, such as targeted online advertising by publishers and vendors?

⁽¹⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (OJ 2016 L 119, p. 1).

Request for a preliminary ruling from the Tribunale di Pistoia (Italy) lodged on 23 September 2022 — QX v Agos Ducato S.p.A.

(Case C-610/22)

(2022/C 482/10)

Language of the case: Italian

Referring court

Tribunale di Pistoia

Parties to the main proceedings

Applicant: QX

Defendant: Agos Ducato S.p.A.

Question referred

Does ensuring 'that the provisions which [Member States] adopt in implementation of [Directive 87/202] ⁽¹⁾ are not circumvented as a result of the way in which agreements are formulated', as is required by Article 14(2) of that directive, concern only failure to state the APR in an agreement, or does it concern also incorrect statement of the APR in an agreement?

⁽¹⁾ Council Directive 87/102/EEC of 22 December 1986 for the approximation of the laws, regulations and administrative provisions of the Member States concerning consumer credit (OJ 1987 L 42, p. 48).