



C/2024/1836

11.3.2024

**Request for a preliminary ruling from the Juzgado de Primera Instancia No 19 de Barcelona (Spain)
lodged on 14 November 2023 — Encarna v Elías**

(Case C-683/23, Encarna)

(C/2024/1836)

Language of the case: Spanish

Referring court

Juzgado de Primera Instancia No 19 de Barcelona

Parties to the main proceedings

Applicant: Encarna

Defendant: Elías

Questions referred

1. Does the handing over by the court of the personal data of the parties and of children and teenagers to the parenting coordinator and authorisation to access the processed personal data of those persons in third-party (including healthcare) archives, without any statutory or regulatory provision, infringe Article 6(4) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016? ⁽¹⁾
2. In the event that the court is entitled to hand over the personal data of the parties and of children and teenagers, does the handing over of that data by the court to the parenting coordinator infringe Article 16 TFEU and [Article] 7 CFREU (respect for private and family life), [Article] 8 CFREU (protection of personal data) and [Article] 52 CFREU (scope and interpretation of rights and principles)?
3. Is the handing over of data to the parenting coordinator without first hearing the child's views on this matter and without considering the child's best interests compatible with Article 6(4) of Regulation (EU) 2016/679 in conjunction with Article 24 CFREU?
4. Does the handing over of the child's data to the parenting coordinator so that he or she may take decisions concerning the exercise of parental responsibility and/or custody and/or contact arrangements, in cases involving violence, infringe Article 48(1) of the Istanbul Convention, which prohibits the use of mandatory alternative dispute resolution processes, in conjunction with Articles 7 and 24 of the CFREU?
5. In the event that the court is entitled to hand over the parties' personal data and, as a consequence of the handing over of that data, the parenting coordinator's fees must be covered by the parties because that has been ordered by the court, even though the parties have been granted legal aid, does this infringe Article 47 CFREU (right to effective judicial protection)?

⁽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).