

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by the Board of Appeal for Administrative Matters dated 18 December 2019 in the case Adpublisher AG v K

(Case E-12/19)

A request has been made to the EFTA Court dated 18 December 2019 from the Board of Appeal for Administrative Matters (Beschwerdekommision für Verwaltungsangelegenheiten), which was received at the Court Registry on 23 December 2019, for an Advisory Opinion in the case Adpublisher AG v K on the following questions:

- 1. Does it follow from 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, GDPR) or from another provision of EEA law that an adversarial general procedure to hear a complaint may be carried out under the GDPR without disclosing the name and address of the complainant in the complaint procedure?**

If the answer to the question is in the affirmative: Is it necessary in this case that a legitimate reason for the anonymisation is at least prima facie established or are no reasons required for the anonymisation?

- 2. Must a Member State ensure in its national procedural law that in a procedure to hear a complaint in accordance with Article 77 of the GDPR all further national appellate bodies are free of charge for the data subject and that the data subject may also not be ordered to reimburse the costs?**
- 3. If Question 1 is answered in the affirmative and Question 2 is answered in the negative, in other words, an adversarial general procedure to hear a complaint may be carried out under the GDPR without identifying the name and address of the complainant in the complaint procedure and national procedural law is not required to ensure that in a procedure to hear a complaint in accordance with Article 77 of the GDPR all further national appellate bodies are free of charge for the data subject, the question arises how a decision resulting from a complaint procedure and ordering the**

data subject – who remains, however, anonymous –can be effected to reimburse the costs?