

<p><b>1 Facts</b></p>	<ul style="list-style-type: none"> <li>→ In case C-154/21 Österreichische Post AG, the plaintiff requested access to personal data and recipient info under Article 15(1) (c) GDPR.</li> <li>→ Österreichische Post processed the data for marketing but didn't provide recipient identities.</li> <li>→ The plaintiff sought recipient info in Austrian courts.</li> </ul>
<p><b>2 ECJ on rules of interpretation</b></p>	<ul style="list-style-type: none"> <li>→ To interpret EU law, including Article 15(1) (c) GDPR, the court must consider:               <ul style="list-style-type: none"> <li>→ wording</li> <li>→ context</li> <li>→ objectives</li> <li>→ effectiveness</li> </ul> </li> </ul>
<p><b>3 ECJ on the wording of Article 15(1)(c) GDPR</b></p>	<ul style="list-style-type: none"> <li>→ Article 15(1)(c) GDPR doesn't clarify if data subjects have the right to know the specific identity of recipients, as the terms "recipients" and "categories of recipient" do not indicate an order of priority between them.</li> </ul>
<p><b>4 ECJ on context of Article 15(1) (c) GDPR</b></p>	<ul style="list-style-type: none"> <li>→ <b>4.1 Recital</b> <ul style="list-style-type: none"> <li>→ Recital 63 GDPR specifies that data subjects have the right to know and obtain communication about personal data recipients, without limitation to categories.</li> </ul> </li> <li>→ <b>4.2 Transparency</b> <ul style="list-style-type: none"> <li>→ Article 15(1)(c) GDPR ensures transparency about personal data processing to data subjects, as required by Article 5(1)(a) of GDPR.</li> </ul> </li> <li>→ <b>4.3 A genuine right of access</b> <ul style="list-style-type: none"> <li>→ Article 15 GDPR grants data subjects the right to information about either specific data recipients or recipient categories.</li> </ul> </li> <li>→ <b>4.4 Verification, enabling rights and effectiveness of rights</b> <ul style="list-style-type: none"> <li>→ <b>4.4.1 Verification</b> <ul style="list-style-type: none"> <li>→ The exercise of the right of access must enable the data subject to verify that the data concerning the data subject:                   <ul style="list-style-type: none"> <li>• are correct</li> <li>• are processed in a lawful manner</li> <li>• have been disclosed to authorized recipients</li> </ul> </li> </ul> </li> <li>→ <b>4.4.2 Enabling rights</b> <ul style="list-style-type: none"> <li>→ Article 15(1)(c) GDPR enables the data subject to exercise the rights laid down in Articles 16 to 19, 21, 79 and 82 GDPR.</li> </ul> </li> <li>→ <b>4.4.3 Effectiveness of rights</b> <ul style="list-style-type: none"> <li>→ Identity of specific data recipients must be disclosed for effective data subject rights.</li> </ul> </li> </ul> </li> <li>→ <b>4.5 Right to be informed of the specific data recipients when controller informs data recipients of the exercise of the data subject's rights</b> <ul style="list-style-type: none"> <li>→ Article 19 GDPR requires controllers to inform data subjects of all recipients upon request, as part of fulfilling their obligation to inform recipients of the data subject's rights under Article 16, Article 17(1) and Article 18 GDPR.</li> </ul> </li> <li>→ <b>4.6 Precise information</b> <ul style="list-style-type: none"> <li>→ The right of right of access provided for in Article 15(1)(c) GDPR must be as precise as possible, and this entails that data subjects can request specific recipient information or categories of recipient.</li> </ul> </li> </ul>
<p><b>5 5 ECJ on the objectives and purpose of Article 15(1)(c) GDPR</b></p>	<ul style="list-style-type: none"> <li>→ GDPR protects EU individuals' personal data, as required by Article 8 of the EU Charter of Fundamental Rights, indicating that Article 15(1)(c) GDPR grants data subjects the right to know specific recipients of their personal data.</li> </ul>
<p><b>6 The right to the protection of personal data is not an absolute right</b></p>	<ul style="list-style-type: none"> <li>→ GDPR's personal data protection right must balance with other rights, as per recital 4 GDPR and Facebook Ireland and Schrems case.</li> <li>→ Access right can restrict to recipient categories when recipients are unknown.</li> <li>→ Article 12(5)(b) GDPR allows controllers to deny unfounded or excessive requests.</li> </ul>
<p><b>7 ECJ's answer to the question referred</b></p>	<ul style="list-style-type: none"> <li>→ Data subject's right of access to personal data concerning him or her pursuant to Article 15(1) (c) GDPR entails, where those data have been or will be disclosed to recipients, an obligation on the part of the controller to provide the data subject with the actual identity of those recipients.</li> </ul>