

**Request for a preliminary ruling from the Datenschutzkommission (Austria) lodged on 28 January 2013 - H v E**

**(Case C-46/13)**

*Language of the case: German*

**Referring court**

Datenschutzkommission

**Parties to the main proceedings**

*Applicant:* H

*Defendant:* E

**Questions referred**

Is Article 7(c) of Directive 2006/24/EC <sup>2</sup> to be interpreted as meaning that natural persons affected by the retention of data within the meaning of the Directive do not fall into the category of 'specially authorised personnel' within the meaning of that provision and may not be granted a right to receive information on data relating to their own person from the provider of a publicly available communications service or a public communications network?

Is Article 13(1)(c) and (d) of Directive 95/46/EC to be interpreted as meaning that the right of natural persons affected by the retention of data within the meaning of Directive 2006/24/EC to receive information on data relating to their own person pursuant to Article 12(a) of Directive 95/46/EC from the provider of a publicly available communications service or a public communications network can be excluded or restricted?

If Question 1 is answered at least partly in the affirmative: Is Article 7(c) of Directive 2006/24/EC compatible with the fundamental right laid down in the second sentence of Article 8(2) [of the Charter of Fundamental Rights of the European Union] and thus valid?

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<sup>1</sup> - Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC (OJ 2006 L 105, p. 54).

<sup>2</sup> - Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ 1995 L 281, p. 31).