



C/2024/913

29.1.2024

Judgment of the Court (First Chamber) of 7 December 2023 (request for a preliminary ruling from the Verwaltungsgericht Wiesbaden — Germany) — OQ v Land Hessen

(Case C-634/21, ⁽¹⁾ SCHUFA Holding (Scoring))

(Reference for a preliminary ruling — Protection of natural persons with regard to the processing of personal data — Regulation (EU) 2016/679 — Article 22 — Automated individual decision-making — Credit information agencies — Automated establishment of a probability value concerning the ability of a person to meet payment commitments in the future ('scoring') — Use of that probability value by third parties)

(C/2024/913)

Language of the case: German

Referring court

Verwaltungsgericht Wiesbaden

Parties to the main proceedings

Applicant: OQ

Defendant: Land Hessen

Intervener: SCHUFA Holding AG

Operative part of the judgment

Article 22(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 (General Data Protection Regulation)

must be interpreted as meaning that the automated establishment, by a credit information agency, of a probability value based on personal data relating to a person and concerning his or her ability to meet payment commitments in the future constitutes 'automated individual decision-making' within the meaning of that provision, where a third party, to which that probability value is transmitted, draws strongly on that probability value to establish, implement or terminate a contractual relationship with that person.

⁽¹⁾ OJ C 37, 24.1.2022